

NO. 80771-0

THE SUPREME COURT OF THE STATE OF WASHINGTON

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JOHN L. HALE AND ROBBIN HALE,  
Petitioners

v.

WELLPINIT SCHOOL DISTRICT NO. 49,  
Respondent

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RESPONDENT'S ANSWER TO MOTION FOR DISCRETIONARY  
REVIEW

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STATE OF WASHINGTON  
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## **A. IDENTITY OF RESPONDENT**

Respondent is the Wellpinit School District Number 49 (hereinafter, “the District”) and is the former employer of Petitioner John Hale.

## **B. DECISION FOR REVIEW**

Petitioners seek discretionary review of an order issued by the Stevens County Superior Court on September 21, 2007 denying their motion for reconsideration. Petitioners brought the Motion for Reconsideration in response to the Court’s Order Granting Defendant’s Motion for Partial Summary Judgment which dismissed Petitioners’ claim of disability discrimination under RCW 49.60.180, et seq. In their motion for reconsideration, Petitioners implore the court to apply the definition of the term “disability” contained in RCW 49.60.040, which became effective July 1, 2007, instead of that which was adopted by the Court in *McClarty v. Totem Electric*, 157 Wash.2d 214, 137 P.2d 844 (2006). Petitioners take the position that RCW 49.60.040, despite taking effect in July of 2007, applies to their Washington Law Against Discrimination (“WLAD”) claim retroactively. Respondent argues that any such construction of the statute violates the Washington State and United States Constitutions.

## **C. ISSUE PRESENTED FOR REVIEW**

1. Whether or not the definition of “disability” adopted by the legislature in RCW 49.60.040(2)(25) applies retroactively to Plaintiff’s WLAD claim arising in August 2002 to March 2003?<sup>1</sup>

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<sup>1</sup> Petitioner seeks review of two additional issues – whether Mr. Hale in fact was disabled and whether the Wellpinit School District breached its duty to accommodate that disability – which additional issues involve determinations of material fact and are wholly dependent on the outcome of the first. That is, if Petitioner is successful in this appeal, those issues would properly be decided at the trial court upon remand. They are not issues for the Court to decide at this time.

## D. STATEMENT OF THE CASE

### 1. Procedural History

Mr. and Mrs. Hale brought this lawsuit against the District alleging three causes of action: (1) negligent infliction of emotional distress; (2) disability discrimination under the WLAD; and (3) breach of contract. The District moved for partial summary judgment regarding Mr. Hale's claim of disability discrimination. In pursuit of the same, the District argued that Mr. Hale did not have a disability under existing law as explained by the Court in *McClarty v. Totem Electric Int'l*, 157 Wash.2d 214, 137 P.3d 844 (2006). On May 3, 2007, the Stevens County Superior Court entered an order granting the District's motion, and dismissing Mr. Hale's disability discrimination claim.

Mr. Hale moved for reconsideration. In doing so, Mr. Hale argued that the definition of "disability" should come from Senate Bill 5340 (Amended RCW 49.60.040), which the legislature passed in April of 2007. The trial court denied the Hale's motion, holding that the separation of powers doctrine precluded retroactive application of the statute.

### 2. Factual Background

Attached for the Court's reference are the pleadings *Defendant's Statement Of Undisputed Facts In Support Of Motion For Summary Judgment*, and the *Affidavit Of Michael E. McFarland In Support Of Defendant's Motion For Summary Judgment* with attached deposition excerpts, both filed December 29, 2006. The factual references below are contained in the deposition testimony.

John Hale was hired by the Wellpinit School District on February 11, 2002 to provide student support services at the Wellpinit School, pursuant to a verbal agreement. *Statement of Undisputed Facts*, ¶¶ 1, 3, and testimony cited therein (hereinafter "*Statement*"). From February to May of 2002, Mr. Hale worked solely at the Wellpinit School. *Statement*, ¶ 5.

Mr. Hale contends that he experienced "abusive" behavior from his supervisor at the Wellpinit School, Mr. Magne Kristiansen. *Statement*, ¶¶ 7, 9, 10. Mr. Hale considers that to be a result of Mr. Kristiansen's "arrogant personality". *Statement*, ¶ 13. Mr. Hale believes that Mr. Kristiansen does not consider Mr. Hale to be "an important person." *Statement*, ¶ 14. Other than Mr. Kristiansen's alleged arrogance, Mr. Hale considered his experience at Wellpinit to be "great." *Statement*, ¶ 12.

Mr. Hale was subsequently transferred to work at a satellite campus located at Fort Simcoe, in White Swan, Washington. *Statement*, ¶ 16. Mr. Hale was assigned to "classroom support," where he was supervised by Principal Phyllis Magden. *Statement*, ¶ 18. During that period of employment, Mr. Hale's relationship with Principal Magden was initially good. *Statement*, ¶¶ 19, 20, 21. He contends that he was eventually subjected to "abuse" by way of a conspiracy between Mr. Kristiansen and Ms. Magden. *Statement*, ¶¶ 22-27. That "abuse" took the form of: refusing to give Mr. Hale a password in order to make him fail, treating him as though he was incompetent, taking issue with his work product, and blaming him for perceived problems. *Id.* Mr. Hale alleges that Mr. Kristiansen, Ms. Magden, and Superintendent Riedlinger wanted him to fail so

that they could succeed at their respective positions, “to keep [their] power.” *Statement*, ¶¶ 24, 27.

On or about August 25, 2002, Mr. Hale sent a letter to Superintendent Reid Riedlinger informing him of the alleged abuse, and stating his belief that the abuse was causing issues with his health, specifically, anxiety. *Statement*, ¶ 29. Mr. Hale expected that Mr. Riedlinger would respond to his complaints in some manner or another. *Statement*, ¶¶ 29, 30. Mr. Hale testified that Mr. Kristiansen’s “abusive” treatment of Mr. Hale ended in September 2002. *Statement*, ¶ 32. By letter to the Wellpinit School District Board dated January 3, 2003, Mr. Hale charged the “Wellpinit staff” with abusive behavior toward him, which caused health issues. *Statement*, ¶¶ 33, 34. That “staff” was Mr. Kristiansen and Principal Magden. *Statement*, ¶ 35. Mr. Hale met with Superintendent Reidlinger on January 9, 2003, contending that Principal Magden had “excommunicated” him from Wellpinit. *Statement*, ¶ 38. He believed that Principal Magden was hostile toward him as part of her effort to prevent him from running a successful vocational class, resulting in “more power” for Principal Magden. *Statement*, ¶¶ 39, 40. Mr. Hale felt Principal Magden was “aloof” and demanded that he perform certain tasks. *Statement*, ¶ 42. Mr. Hale felt that his meeting with Superintendent Reidlinger was “productive” (*Statement*, ¶ 41), but also felt that Reidlinger was “hostile” toward him (*Statement*, ¶ 43), that Reidlinger “could not handle” Mr. Hale’s “professionalism.” *Statement*, ¶ 45.

Mr. Hale was then assigned duties as a teacher for the two on-line classes between January and March 2003. *Statement*, ¶ 49. Mr. Hale considered himself



“demoted” and perceived tasks assigned by Principal Magden to be “menial.” *Statement*, ¶¶ 50-52. According to Mr. Hale, those tasks were intended to “belittle and degrade” him. *Statement*, ¶ 52. Again, Mr. Hale believed that Mr. Kristiansen, Principal Magden and Superintendent Reidlinger all wanted him to fail so that they each could succeed in their respective positions with the District. *Statement*, ¶ 54. These contentions by Mr. Hale were consistent with issues he perceived in previous employments. *Statement*, ¶¶ 55-57.

Ultimately, Mr. Hale concluded that the working conditions at the District were “so unprofessional and unfair” that it was causing him health problems (*Statement*, ¶¶ 58-60); therefore, on March 3, 2003, he submitted a Voluntary Quit Statement to the Washington Employment Security Department. *Statement*, ¶ 61. Therein Mr. Hale alleged he was capable of working anywhere that had “reasonable management.” *Statement*, ¶ 63, 64. In that Quit Statement Mr. Hale stated that he had no “injuries, illnesses, or other conditions” which prevented him from returning to work in his “main occupation.” *Statement*, ¶ 65. He expected his health to improve after leaving Wellpinit SD because he would no longer be working under “unreasonable management” (*Statement*, ¶ 66), specifically the way he was treated by Superintendent Reidlinger, Principal Magden and Mr. Kristiansen. *Statement*, ¶¶ 67-68. He believed he could work anywhere but Wellpinit SD. *Statement*, ¶ 69.

Mr. Hale submitted an Activities of Daily Living and Socialization statement to the Division of Disability Determination Services, in which he noted problems in “getting along with bosses, police, teachers, landlords, or other

people in authority.” *Statement*, ¶ 71. He explained: “I have to stay away from most people. Authority figures make me sick very quickly. I have to limit business contacts to one hour per day.” *Statement*, ¶ 72. Mr. Hale considers it “especially sickening” when he loses “control” to an employer. *Statement*, ¶ 73.

Mr. Hale found employment as a substitute teacher in the Plummer-Worley (Idaho) School District. *Statement*, ¶ 77.

#### **E. ARGUMENT WHY REVIEW SHOULD BE DENIED**

Petitioners seek discretionary review by the Court pursuant to RAP 2.3(b)

(4) which states:

...discretionary review may be accepted only in the following circumstances:

(4) The superior court has certified, or that all parties to the litigation have stipulated, that the order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that immediate review of the order may materially advance the ultimate termination of the litigation.

Here, discretionary review is improper because the law on this subject is clear, and therefore there are no substantial grounds for difference of opinion.

1. A statutory revision in response to a judicial interpretation of a statute can only apply retroactively if the revision “amends” the statute; if the revision “clarifies” the statute, retroactive application is not permitted.

The definition of a “disability” under the Washington Law Against Discrimination (“WLAD”) has changed twice in recent history: first, when the Supreme Court adopted the definition in *McClarty v. Totem Electric*, 157 Wash.2d 214, 137 P.2d 844 (2006); second, when the legislature rejected the *McClarty* decision by enacting legislation clarifying the definition, effective July 1, 2007. Petitioners Hale seek retroactive application of the most recent definition

of “disability” to their WLAD claim based upon events occurring nearly five years before that legislation. In support of their position, the Hales argue that retroactive application of the statute is proper because the legislature intended it to be so. However, the Hales’ proffered construction would violate the separation of powers doctrine of the Washington State and United States Constitutions, as was properly acknowledged by Judge Baker.

In *McClarty*, the Supreme Court pulled the WLAD definition of “disability” in line with the definition contained in the federal Americans with Disabilities Act: “(1) a physical or mental impairment that substantially limits one or more of his major life activities, (2) a record of such an impairment, or (3) is regarded as having such an impairment.” *McClarty*, 157 Wash.2d at 220. Petitioners find this construction of “disability” unfavorable to their case, in light of the fact that the legislature subsequently clarified the term in S.B. 5340:

- (a) “Disability” means the presence of a sensory, mental, or physical impairment that:
  - (i) Is medically cognizable or diagnosable; or
  - (ii) Exists as a record or history; or
  - (iii) Is perceived to exist whether or not it exists in fact.
- (b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other work activity within the scope of this chapter.
- (c) For purposes of this definition, “impairment” includes, but is not limited to:
  - (i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal,

special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

- (ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotion or mental illness, and specific learning disabilities.

- (d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

- (i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

- (ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

- (e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

Statutes in the State of Washington are presumed to apply prospectively. *In re Pers. Restraint of Stewart*, 115 Wash.App. 319, 332, 75 P.3d 521 (Div.1, 2003).

There are three exceptions to the general rule: (1) if the legislature intends the statute to apply retrospectively; (2) if the legislation is curative; or (3) if the legislation is remedial. *Id.* In the present case, the Legislature specifically stated that S.B. 5430 was intended to apply retroactively: "The act is remedial and retroactive, and applies to all causes of action occurring before July 6, 2006, and to all causes of action occurring on or after July 22, 2007." 2007 ch. 317, § 3.

However, the mere desire of the Legislature cannot single-handedly make a statute retroactive. Instead, even if the statute meets one of the aforementioned grounds, it can apply retrospectively “only if such retroactive application does not violate any constitutional prohibition.” *Id. citing, McGee Guest Home, Inc. v. Dep’t of Soc. and Health Serv.*, 142 Wash.2d 316, 324, 12 P.3d 144 (2000); *State v. Cruz*, 139 Wash.2d 186, 191, 985 P.2d 384 (1999); *In re F.D. Processing, Inc.*, 119 Wash.2d 452, 460, 832 P.2d 1303 (1992). The separation of powers doctrine is one such constitutional prohibition.

The separation of powers doctrine is a “fundamental principal” of our constitutional system which separates the powers of each of the three branches from one another. *City of Spokane v. County of Spokane*, 158 Wash.2d 661, 678, 146 P.3d 893 (2006). “Like the United States Constitution, the Washington Constitution does not contain a formal separation of powers clause, but the very division of our government has been deemed to give rise to a vital separation of powers doctrine.” *Id.*

The separation of powers doctrine is violated by retrospective application of a statute if it “contravenes a previous [appellate] judicial construction of the statute.” *State v. Posey*, 130 Wash.App. 262, 274, (2005) *aff’d in part, rev’d on other grounds*, 167 P.3d 560 (2007). *See Also, 1000 Virginia Ltd. P’ship v. Vertecs Corp.*, 158 Wash.2d 566, 146 P.3d 423 (2006) (An amendment will not be retroactive if it contravenes a judicial construction of the statute that is clarified or corrected because of separation of powers considerations.). In *Posey*, the Legislature revised a statute while an appeal of the case was pending. The amendment resulted in a clarification of the statute. However, the Court of Appeals found that the amendment clarified a

previous judicial interpretation of the statute, and as a result retroactive application was not permitted. *Id.* at 275.

In *Marine Power & Equip. Co. v. WA State Human Rights Comm'n Hearing Tribunal*, the Court of Appeals held that if the statute “amends,” as opposed to “clarifies” the statute, the new statute is permitted to apply retroactively. *Marine Power*, 39 Wash.App. 609, 615 (1985). However, *Marine Power* involved a situation wherein the Legislature amended a statute with additional protections. In the present case, the WLAD was clarified by S.B. 5340 because the Legislature expressly stated that the Court in *McClarty* “failed to recognize [the WLAD] affords to state residents protections that are wholly independent of those afforded by the federal Americans with Disabilities Act of 1990.” S.B. 5340 § 1.

In the present case, the Legislature attempted to make RCW 49.60.040 retroactive. But in explaining its intent, the Legislature confirmed that it was *clarifying* the definition only because the Washington Supreme Court had erroneously interpreted the statute.

The legislature finds that the supreme court, in its opinion in *McClarty v. Totem Electric*, 157 Wn.2d 214, 137 P.3d 844 (2006), failed to recognize that the law against discrimination affords to state residents protections that are wholly independent of those afforded by the federal Americans with disabilities act of 1990, and that the law against discrimination has provided such protections for many years prior to passage of the federal act.

2007 ch. 317, § 1. This is critical to the present analysis: the Legislature stated that the Supreme Court “failed to recognize” rights that it already regarded as existing. As a result of the perceived failure, the Legislature *clarified* (i.e., did not “amend”) the statute and therefore the statute cannot be applied retroactively.

Here, the legislative clarification of the term “disability” under the WLAD was a direct response to the Supreme Court’s decision in *McClarty v. Totem Electric*, 157 Wash.2d 214, 137 P.2d 844 (2006), expressly making Senate Bill No. 5340 retroactive to all causes of action accruing before July 6, 2006, the date of this Court’s decision in *McClarty*. The separation of powers doctrine forbids such retroactive application of legislation and that law is clear. Therefore, there is no “substantial ground for difference of opinion,” and petitioners’ Motion for Discretionary Review must be denied.

2. There is no “fundamental and urgent issue of broad public import” which requires prompt and ultimate determination.

RAP 4.2(a)(4) provides direct review by this Court if a case involves a “fundamental and urgent issue of broad public import” which requires prompt and ultimate determination. While the Hales’ bare assertion of disability on its face might appear compelling, the record herein does not support Mr. Hales’ disability claim, much less direct review. Under this record there is no underlying disability to protect and so found Judge Baker. There is no basis for the Hales’ statement that review of this issue “will also provide much needed guidance to trial courts throughout the state wrestling with this issue.” *Motion For Discretionary Review*, p. 14. The Hales have cited three cases. *Delaplaine v. United Airlines*, Appendix “H” to the *Motion*, a trial court recognized that “a statute that clarifies, rather than alters, a current law does not operate retroactively . . .”, citing *In Re Fox*, 138 Wn.App. 374, 389, 158 P.2d 69, 76 (2007); *Motion* Appendix “H”, p. 5. The *Delaplaine* court immediately thereafter stated: “Senate Bill No. 5340 does not actually contravene *McClarty* . . . Moreover, Senate Bill 5340 does not attach new

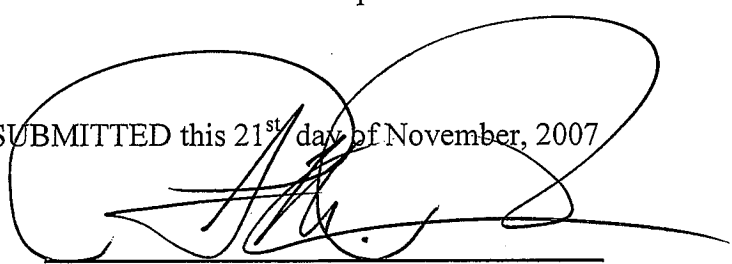
legal ramifications to pre-existing events.” *Motion*, Appendix “H”, p. 5. That the *Deleplaine* trial court erred when it found the retroactive application of RCW 49.60.040(26) does not compel this Court to undertake review of this issue.

Following that, RAP 2.3(b)(4), that review “may materially advance the termination of the litigation” becomes a non-issue. The Hales may or may not prevail on their remaining common law claims which in and of itself will determine whether the litigation ends. Review at this time does not hasten the process; indeed, it would prolong it.

#### **F. CONCLUSION**

The law regarding retrospective application of statutes in the State of Washington is clear: retroactive statutes violate the separation of powers doctrine if the revision clarifies a judicial decision. There are no substantial grounds for difference of opinion regarding the issues presented by Petitioners. The District respectfully submits that this Court should deny Petitioners’ Motion for Discretionary Review because it does not meet the requirements of RAP 2.3(b)(4).

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of November, 2007



---

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Wellpinit School District No. 49




CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on the 26<sup>th</sup> day of November, 2007, a true and correct copy of the foregoing ***Respondent's Answer to Petition for Review***, was served upon the following parties and counsel of record in the manner indicated below:

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**SUPERIOR COURT  
STEVEN'S COUNTY, WA**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF STEVENS

JOHN L. HALE and ROBBIN HALE,  
husband and wife,

Plaintiffs,

vs.

WELLPINIT SCHOOL DISTRICT NO. 49,  
a Municipal corporation,

Defendants.

Case No. 06-2-00194-8

DEFENDANT'S STATEMENT OF  
UNDISPUTED FACTS IN  
SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT

Defendant Wellpinit School District submits the following Statement of Undisputed  
Facts in support of their Motion for Summary Judgment:

1. Wellpinit School District No. 49 (hereinafter "the District") hired Plaintiff John Hale on February 11, 2002 to provide student support services (i.e., instructional assistant) at Wellpinit High School. *Deposition of Reid Riedlinger, pgs. 107-108;*
2. As an instructional assistant, Mr. Hale was a classified employee. *Deposition of John Hale, pg. 38, lines 18-22.*
3. When Mr. Hale was offered the job at Wellpinit, the job offer was verbal and was not put in writing. *Deposition of John Hale, pg. 37, lines 20-22.*

DEFENDANT'S STATEMENT OF UNDISPUTED  
FACTS IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT - Page 1

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- 1 4. Mr. Hale was never told that his position would last longer than one year. He only  
2 assumed that he was to be employed longer than one year because opening schools and  
3 teaching at schools was a long-term project. *Deposition of John Hale, pg. 39, lines 6-  
4 18.*
- 5
- 6 5. From approximately February of 2002 through May of 2002, Mr. Hale worked at the  
7 Wellpinit School. *Deposition of John Hale, pg. 47, lines 17-23.*
- 8
- 9 6. While at the Wellpinit School and under the supervision of certificated instructors, Mr.  
10 Hale assisted students in the basic use of computers. *Deposition of John Hale, pg. 47,  
11 lines 24-25, pg. 48, lines 1-13.*
- 12
- 13 7. While at the Wellpinit School, Mr. Hale's Supervisors were Magne Kristiansen and  
14 Superintendent Reid Riedlinger. *Deposition of John Hale, pg. 55, lines 5-7.*
- 15
- 16 8. Mr. Hale alleges as a part of this lawsuit that he was treated unfairly while he was  
17 located at the Wellpinit School. *Deposition of John Hale, pg. 47, lines 13-16.*
- 18
- 19 9. While at Wellpinit School, Mr. Hale began experiencing what he believes was  
20 "abusive" behavior from Mr. Kristianson. *Deposition of John Hale, pg. 52, 55;*
- 21
- 22 10. Mr. Kristianson was allegedly "abusive" to Mr. Hale by:
- 23 a. Criticizing Mr. Hale's work; *Deposition of John Hale, pg. 56;*
- 24 b. Making statements to the effect that the computer problems were the result of  
25 Mr. Hale being in the room; *Deposition of John Hale, pg. 56;*
- 26
- 27
- 28
- 29

1 c. "Implying" that Mr. Hale was ignorant or stupid through "glances of the eye,  
2 smacking the lips or responding incredulously." *Deposition of John Hale*, pg.  
3 56-57;  
4

5 11. Nobody other than Mr. Kristianson treated Mr. Hale "unfairly" while he was still  
6 employed in Wellpinit (prior to transferring to Fort Simcoe). *Deposition of John Hale*,  
7 pg. 57;  
8

9 12. In fact, other than the alleged "abuse" from Mr. Kristianson, Mr. Hale's experience at  
10 Wellpinit (prior to transferring to Fort Simcoe) was "great." *Deposition of John Hale*,  
11 pg. 108-109;  
12

13 13. Mr. Hale believes that Mr. Kristianson was "abusive" toward him, and others, because  
14 Mr. Kristianson "has an arrogant personality." *Deposition of John Hale*, pg. 104;  
15

16 14. Mr. Hale also believes Mr. Kristianson was "abusive" toward him simply because Mr.  
17 Kristianson allegedly did not think Mr. Hale was "an important person." *Deposition of*  
18 *John Hale*, pg. 104;  
19

20 15. Mr. Kristianson's "abusive" behavior included unfairly blaming Mr. Hale for any  
21 computer problems. *Deposition of John Hale*, pg. 53, lines 1-25, pg. 54, lines 1-17.  
22

23 16. In approximately May 2002, Mr. Hale transferred to the satellite school being opened  
24 by Wellpinit School District at Fort Simcoe in White Swan, Washington. *Deposition of*  
25 *John Hale*, pg. 46-47;  
26

- 1 17. Fort Simcoe was a site for the Wellpinit Alliance Program, which is a location at which  
2 Wellpinit School District offered on-line classes. *Deposition of Reid Riedlinger, pg. 7,*  
3 *lines 7-24.*  
4
- 5 18. Once at Fort Simcoe, Mr. Hale was “supervised” by Principal Phyllis Magden.  
6 *Deposition of John Hale, pg. 64;*  
7
- 8 19. Mr. Hale was assigned to Classroom Support, which meant he was to assist with  
9 software problems, and help students with questions regarding computers. Mr. Hale  
10 was to take directions from Principal Magden regarding his duties. *Deposition of Reid*  
11 *Riedlinger, pg. 107, lines 20-25, pg. 108, lines 1-8.*  
12
- 13 20. Mr. Hale’s relationship with Principal Magden was initially good. *Deposition of John*  
14 *Hale, pg. 110;*  
15
- 16 21. Up until July 2002, Principal Magden was not demeaning, condescending or harassing  
17 of Mr. Hale, and was in fact “very respectful.” *Deposition of John Hale, pg. 110;*  
18
- 19 22. In November 2002, Mr. Hale began having difficulties with Principal Magden.  
20 *Deposition of John Hale, pg. 111;*<sup>1</sup>  
21
- 22 23. Around the time Mr. Hale began having “difficulties” with Principal Magden, Mr.  
23 Kristianson refused to give Mr. Hale the administrative password to work on the  
24 computers. *Deposition of John Hale, pg. 112;*  
25

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26 <sup>1</sup> At another point in his deposition, Mr. Hale testified that he remained friendly with Ms.  
27 Magden into January 2003, and that he did not “feel any abuse” from her until some time after  
28 January 14, 2003. *Deposition of John Hale, pgs. 212, 217;*  
29

- 1 24. Mr. Hale believes that Mr. Kristianson refused to give him the administrative password  
2 because Mr. Kristianson wanted Mr. Hale to “fail” so that Mr. Kristianson could “keep  
3 his power.” *Deposition of John Hale, pg. 113;*  
4
- 5 25. Mr. Hale also believes that Mr. Kristianson instructed Principal Magden to report to  
6 him daily about Mr. Hale, and to not let Mr. Hale “make any decisions.” *Deposition of*  
7 *John Hale, pg. 114;*  
8
- 9 26. After Mr. Kristianson’s alleged instruction to Principal Magden to report to him about  
10 Mr. Hale, Principal Magden’s personality changed from being “humble” to being  
11 “arrogant.” *Deposition of John Hale, pg. 115-116;*  
12
- 13 27. Mr. Hale believed that Mr. Kristianson and Principal Magden were “conspiring” to  
14 make Mr. Hale “look bad” in an effort to advance their own careers and gain power.  
15 *Deposition of John Hale, pg. 116;*  
16
- 17 28. On August 25, 2002, Mr. Hale sent a letter to Superintendent Riedlinger advising him  
18 of the alleged abuse by Mr. Kristianson. *Deposition of John Hale, pg. 112; Exhibit 12*  
19 *to Deposition of John Hale;*  
20
- 21 29. The August 25, 2002 letter to Superintendent Riedlinger was the first notice given by  
22 Mr. Hale that he believed he was being “abused” by Mr. Kristianson and that the same  
23 was causing him health concerns. *Deposition of John Hale, pgs. 118-120;*  
24
- 25 30. In sending the August 25, 2002 letter, it was Mr. Hale’s expectation that  
26 Superintendent Riedlinger would do something to ease the tension and difficulties Mr.  
27  
28  
29

1 Hale had with his supervisor (Mr. Kristianson) and a co-employee (Chris Schott).

2 *Deposition of John Hale, pg. 214;*

3  
4 31. Mr. Hale suspects that Mr. Kristianson was "abusive and obnoxious" to him because of  
5 "a personality conflict," or "possibly" because of Mr. Hale having made reports to Mr.  
6 Riedlinger about Mr. Kristianson's policies. *Deposition of John Hale, pgs. 120-121;*

7  
8 32. Mr. Kristianson's allegedly "abusive" treatment of Mr. Hale ended in September 2002.  
9 *Deposition of John Hale, pg. 213;*

10 33. On January 3, 2003, Mr. Hale wrote a letter to the Wellpinit School District Board of  
11 Directors regarding the "abusive" treatment he was receiving by "Wellpinit staff."  
12 *Deposition of John Hale, pg. 126;*

13  
14 34. In his January 3, 2003 letter to the Board of Directors, Mr. Hale claimed that the  
15 "abusive" treatment he was receiving from the "Wellpinit staff" was causing him  
16 health problems. *Exhibit 15 to the deposition of John Hale.*

17  
18 35. The "staff" Mr. Hale was referring to in his January 3, 2003 was Mr. Kristianson and  
19 Principal Magden. *Deposition of John Hale, pg. 130;*<sup>2</sup>

20  
21 36. Superintendent Riedlinger met with Mr. Hale on or about January 9, 2003 to discuss  
22 Mr. Hale's January 3, 2003 letter. *Deposition of John Hale, pg. 135;*

23  
24  
25  
26  
27 <sup>2</sup> At another point in his deposition, Mr. Hale testified that he was referring only to the  
28 treatment he was receiving from Mr. Kristianson. *Deposition of John Hale, pg. 209.*

- 1 37. During his meeting with Superintendent Riedlinger, Mr. Hale discussed Principal  
2 Magden's treatment of Mr. Hale and Mr. Hale's health issues. *Deposition of John*  
3 *Hale, pg. 136;*  
4
- 5 38. Mr. Hale reported to Superintendent Riedlinger that Principal Magden was "abusive"  
6 to him by "excommunicating" him from Wellpinit. *Deposition of John Hale, pg. 140-*  
7 *141;*  
8
- 9 39. Mr. Hale believed that Principal Magden was hostile toward him as part of her alleged  
10 effort to prevent him from having a successful vocational class. *Deposition of John*  
11 *Hale, pg. 177;*  
12
- 13 40. Mr. Hale believed that Principal Magden did not want Mr. Hale to have a successful  
14 vocational class because it would mean that Ms. Magden would have more "power."  
15 *Deposition of John Hale, pg. 177;*  
16
- 17 41. Mr. Hale believed his meeting with Superintendent Riedlinger was "productive," and  
18 that Superintendent Riedlinger "tried to be friendly." *Deposition of John Hale, pg. 142;*  
19
- 20 42. According to Mr. Hale, Principal Magden's "abusive treatment" of him consisted of:  
21 (1) ordering him to work constantly on typing transcripts; (2) ordering him to make  
22 copies for her; (3) ordering him to do chores; (4) treating him "more like an aide" than  
23 a teacher; (5) being aloof, losing her sense of humor and being dictatorial; and (6)  
24 giving him orders in front of staff and students that were belittling and degrading.  
25 *Deposition of John Hale, pgs. 219-221;*  
26  
27  
28  
29



1 43. Mr. Hale also believed that Superintendent Riedlinger was "hostile" toward Mr. Hale.  
2 *Deposition of John Hale, pg. 137;*

3  
4 44. As of January 9, 2003, Superintendent Riedlinger's "hostility" toward Mr. Hale  
5 included:

- 6 • Characterizing a "leadership report" submitted by Mr. Hale as a "gripe letter," and  
7 "chastising" Mr. Hale in front of others for sending it. *Deposition of John Hale, pg.*  
8 *137;*
- 9 • At a meeting in which Mr. Hale brought up his "differences" with Mr. Kristianson,  
10 Superintendent Riedlinger said: "Let's get these differences resolved right now."  
11 *Deposition of John Hale, pg. 138;*
- 12 • Superintendent Riedlinger had instructed Mr. Hale to communicate with Wellpinit  
13 School District through Mr. Riedlinger or Mr. Kristianson. *Deposition of John Hale,*  
14 *pg. 138;*

15 45. Mr. Hale believes that Superintendent Riedlinger "chewed [him] out" about the "gripe  
16 letter" because Superintendent Riedlinger "could not handle" Mr. Hale's  
17 "professionalism." *Deposition of John Hale, pgs. 178-179;*

18  
19 46. Superintendent Riedlinger contributed to Mr. Hale's health problems by creating  
20 adverse working conditions for Mr. Hale, which consisted of "isolating" Mr. Hale at  
21 Fort Simcoe by "not allowing [Mr. Hale] to communicate with Wellpinit," and  
22 "forcing [Mr. Hale] to depend on Ms. Magden of all [his] information." *Deposition of*  
23 *John Hale, pg. 210;*

24  
25 47. The specific conduct Superintendent Riedlinger engaged in that caused Mr. Hale's  
26 health problems was isolating him from the Wellpinit staff and requiring all  
27  
28  
29

1 communications from Mr. Hale to Superintendent Riedlinger to go through Principal  
2 Magden. *Deposition of John Hale, pg. 213;*

3  
4 48. According to Mr. Hale, in January 2003, he was assigned to be the certified teacher of  
5 an on-line class. *Deposition of John Hale, pg. 154;*

6 49. Mr. Hale was the assigned teacher for one of the two on-line classes between January  
7 2003 and March 2003 (when he resigned). *Deposition of John Hale, pg. 155;*

8  
9 50. Mr. Hale contends that although he remained the assigned teacher of the on-line class  
10 through his resignation, he was "demoted" because he had to "type transcripts all day  
11 every day" and make "copies or things like that for Mrs. Magden." *Deposition of John*  
12 *Hale, pg. 181;*

13  
14 51. Mr. Hale alleges that he was precluded from doing his job as a teacher because he was  
15 doing "menial" tasks for Principal Magden. *Deposition of John Hale, pgs. 182-183;*

16  
17 52. Mr. Hale believes the "demotion" was intended to "belittle and degrade him."  
18 *Deposition of John Hale, pg. 219-220.*

19 53. Mr. Hale was never in fact officially demoted. *Deposition of John Hale, pg. 180, lines*  
20 *15-19.*

21  
22 54. Mr. Hale believes that Mr. Kristiansen, Principal Magden, and Superintendent  
23 Riedlinger all wanted him to fail so that they could each succeed in their respective  
24 positions. *Deposition of John Hale, pgs. 146-147.*

25  
26 55. Mr. Hale believes that he has been "abused" by "every" non-construction employer he  
27 has ever had. *Deposition of John Hale, pg. 189;*

1 56. For example, Apollo College “abused” Mr. Hale by (1) giving him a letter of  
2 reprimand for having made a “suggestion” regarding policies of the school; (2) not  
3 allowing him (and other staff) to “make suggestions;” and (3) withholding “essential  
4 software that was necessary to teach the classes.” *Deposition of John Hale, pgs. 189-  
5 192;*

7 57. By way of another example, Microsoft “abused” Mr. Hale by: (1) maintaining a  
8 “tremendously stressful atmosphere;” (2) monitoring his phone calls; and (3) being so  
9 regimented that he could not go to the bathroom without clocking out. *Deposition of  
10 John Hale, pg. 192;*

12 58. Mr. Hale submitted his letter of resignation from Wellpinit School District on February  
13 23, 2003. *Exhibit No. 22 to the deposition of John Hale;*

15 59. In his letter of resignation, Mr. Hale reported that the “working conditions” at  
16 Wellpinit Alliance High School had become “so unprofessional and unfair” that it was  
17 causing him health problems. *Id.*

19 60. The “unprofessional and unfair” working conditions included being relegated to  
20 Principal Magden’s “secretary.” According to Mr. Hale, it was extremely “frustrating”  
21 to “be dominated by such an unqualified and incompetent principal.” *Id.*

23 61. On March 3, 2003, Mr. Hale submitted a Voluntary Quit Statement to the State of  
24 Washington Employment Security Department. *Deposition of John Hale, pg. 289;*  
25 *Pages 16-18 of Exhibit 1 to the October 25, 2006 deposition of John Hale;*

1 62. In his Voluntary Quit Statement, Mr. Hale represented that he resigned from Wellpinit  
2 School District was the treatment he was receiving from his supervisors. *Id.*

3 63. In the Voluntary Quit Statement, Mr. Hale was asked whether he was capable of  
4 working at that time. Mr. Hale responded that he was capable of working anywhere  
5 that had "reasonable management." *Deposition of John Hale, pg. 290; Page 17 of*  
6 *Exhibit 1 to the October 25, 2006 deposition of John Hale;*  
7

8 64. Mr. Hale believed he was capable of working at somewhere other than Wellpinit  
9 School District because he believed the management at Wellpinit School District was  
10 "not reasonable." *Id.*  
11

12 65. In fact, on March 7, 2003, Mr. Hale represented to the State of Washington  
13 Employment Security Department that he had no "injuries, illnesses, or other  
14 conditions" that would prevent him from returning to work in his "main occupation" of  
15 working in a school district. *Deposition of John Hale, pg. 301;*  
16  
17

18 66. Mr. Hale expected his health to improve after leaving Wellpinit School District  
19 because he would no longer be working under "unreasonable management."  
20 *Deposition of John Hale, pgs. 290-291;*  
21

22 67. Mr. Hale did not ask to be rehired at Wellpinit School District because the  
23 "unprofessional supervisors would remain." *Deposition of John Hale, pgs. 291-292;*  
24

25 68. The only "intolerable conditions" at Wellpinit School District that caused Mr. Hale's  
26 health problems (anxiety) was the way he was treated by Superintendent Riedlinger,  
27 Principal Magden and Mr. Kristianson. *Deposition of John Hale, pg. 294;*  
28  
29

1 69. After leaving Wellpinit School District, Mr. Hale believed he could work anywhere but  
2 Wellpinit School District. *Deposition of John Hale, pg. 296;*

3 70. Mr. Hale described the "reasonable conditions" he requested of Superintendent  
4 Riedlinger to address his health issues as follows:  
5

6 What it was was that I told him I was being treated abusively by  
7 Mr. Kristianson and that I wanted to do communication through a  
8 group thing called Alliance group. Because the abuse was taking  
9 place when nobody else would know. And so if things were in the  
10 sunshine and people could see what was going on, he would have  
11 to quit.

12 *Deposition of John Hale, pg. 298;*

13 71. On June 18, 2004, Mr. Hale submitted an Activities of Daily Living and Socialization  
14 statement to the Division of Disability Determination Services, in which Mr. Hale  
15 noted that he has had problems "getting along with bosses, police, teachers, landlords,  
16 or other people in authority." *Deposition of John Hale, pg. 325-326; Exhibit 4 to the*  
17 *October 25, 2006 deposition of John Hale;*

18 72. In explaining the foregoing, Mr. Hale wrote: I have to stay away from most people.  
19 Authority figure make me sick very quickly. I have to limit business contacts to one  
20 hour per day." *Id.*

21 73. Mr. Hale considers it "especially sickening" when he loses "control" to an employer.  
22 *Deposition of John Hale, pgs. 327-329;*

23 74. Mr. Hale had no difficulties interacting with anyone at Wellpinit School District who  
24 was not his supervisor. *Deposition of John Hale, pg. 329;*

1 75. If Superintendent Riedlinger, Principal Magden and Mr. Kristianson had not been Mr.  
2 Hale's supervisors, there is nothing that would have made it impossible for Mr. Hale to  
3 continue working at Wellpinit School District. *Deposition of John Hale, pg. 330;*  
4

5 76. Subsequent to resigning from Wellpinit School District, Mr. Hale applied for "lots" of  
6 positions with other school districts. *Deposition of John Hale, pgs. 271-272;*  
7

8 77. Subsequent to resigning from Wellpinit School District, Mr. Hale was hired as a  
9 substitute teacher for the Plummer-Worley School District. *Deposition of John Hale,*  
10 *pgs. 271-272;*  
11

12 78. Subsequent to resigning from Wellpinit School District, Mr. Hale applied for "lots" of  
13 positions with other school districts because he believed he could successfully work at  
14 another school district. *Deposition of John Hale, pgs. 271-272;*  
15

16 DATED this \_\_\_\_\_ day of December, 2006.

17 EVANS, CRAVEN & LACKIE, P.S.

18  
19 By \_\_\_\_\_  
20 MICHAEL E. McFARLAND, JR., #23000  
21 Attorneys for Defendant  
22  
23  
24  
25  
26  
27  
28  
29

30 DEFENDANT'S STATEMENT OF UNDISPUTED  
FACTS IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT - Page 13

*Evans, Craven & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

- 1 75. If Superintendent Riedlinger, Principal Magden and Mr. Kristianson had not been Mr.  
2 Hale's supervisors, there is nothing that would have made it impossible for Mr. Hale to  
3 continue working at Wellpinit School District. *Deposition of John Hale*, pg. 330;  
4  
5 76. Subsequent to resigning from Wellpinit School District, Mr. Hale applied for "lots" of  
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7  
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9 substitute teacher for the Plummer-Worley School District. *Deposition of John Hale*,  
10 pgs. 271-272;  
11  
12 78. Subsequent to resigning from Wellpinit School District, Mr. Hale applied for "lots" of  
13 positions with other school districts because he believed he could successfully work at  
14 another school district. *Deposition of John Hale*, pgs. 271-272;

15 DATED this 28 day of December, 2006.

16  
17 EVANS, CRAVEN & LACKIE, P.S.

18  
19 By

20 MICHAEL E. McFARLAND, JR., #23000

21 Attorneys for Defendant  
22  
23  
24  
25  
26  
27  
28  
29

CERTIFICATE OF SERVICE

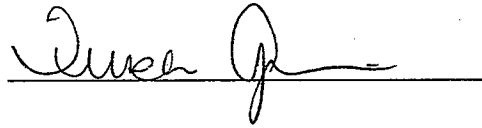
Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 28 day of December, 2006, the foregoing was delivered to the following persons in manner indicated:

Paul J. Burns, P.S.  
Attorney at Law  
1212 N. Washington, Suite 224  
Spokane, WA 99201-2400

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DEFENDANT'S STATEMENT OF UNDISPUTED  
FACTS IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT - Page 14

*Evans, Craven & Lackie, P.S.*  
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(509) 455-5200; fax (509) 455-3632



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SUPERIOR COURT  
STEVEN'S COUNTY, WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF STEVENS

JOHN L. HALE and ROBBIN HALE,  
husband and wife,

Plaintiffs,

vs.

WELLPINIT SCHOOL DISTRICT NO. 49,  
a Municipal corporation,

Defendant.

No. 06-2-00194-8

AFFIDAVIT OF MICHAEL E.  
McFARLAND, JR. IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

STATE OF WASHINGTON)

ss.

County of Spokane )

Michael E. McFarland, Jr., being first duly sworn on oath, hereby deposes and says:

I am the attorney representing Defendants in the above-referenced matter.

AFFIDAVIT OF MICHAEL E. McFARLAND, JR.  
IN SUPPORT OF DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT Page 1

*Evans, Craven & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

1 Attached as Exhibit 1 is a true and correct copy of deposition excerpts from Reid  
2 Riedlinger's continuation deposition taken on July 12, 2006.

3  
4 Attached as Exhibit 2 is a true and correct copy of deposition excerpts from John  
5 Hale's deposition taken on March 9, 2005.

6 Attached as Exhibit 3 is a true and correct copy of deposition excerpts from John  
7 Hale's continuation deposition taken on April 18, 2005.

8  
9 Attached as Exhibit 4 is a true and correct copy of deposition excerpts from Reid  
10 Riedlinger's deposition taken on June 6, 2005.

11 Attached as Exhibit 5 is a true and correct copy of deposition excerpts from John  
12 Hale's second continuation deposition taken on April 20, 2005.

13  
14 Attached as Exhibit 6 is a true and correct copy of Exhibit 12 to John Hale's  
15 continuation deposition taken on April 18, 2005.

16  
17 Attached as Exhibit 7 is a true and correct copy of Exhibit 15 to John Hale's  
18 continuation deposition taken on April 18, 2005.

19 Attached as Exhibit 8 is a true and correct copy of Exhibit 22 to John Hale's  
20 continuation deposition taken on April 18, 2005.

21  
22 Attached as Exhibit 9 is a true and correct copy of deposition excerpts from John  
23 Hale's third continuation deposition taken on October 25, 2006.

24 Attached as Exhibit 10 is a true and correct copy of pages 16-18 of Exhibit 1 to John  
25 Hale's continuation deposition taken on October 25, 2006.

26  
27  
28  
29 AFFIDAVIT OF MICHAEL E. McFARLAND, JR.  
30 IN SUPPORT OF DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT Page 2

*Evans, Craven & Lackie, P.C.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632


1 Attached as Exhibit 11 is a true and correct copy of Exhibit 4 to John Hale's  
2 continuation deposition taken on October 25 2006.

3  
4  
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MICHAEL E. McFARLAND, JR.

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of December, 2006.



  
Notary Public, in and for the State of Washington  
Residing in Spokane, Idaho.  
My Commission Expires:

AFFIDAVIT OF MICHAEL E. McFARLAND, JR.  
IN SUPPORT OF DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT Page 3

*Evans, Craven & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

CERTIFICATE OF SERVICE

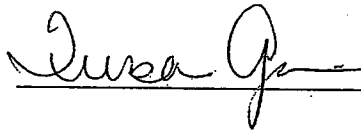
Pursuant to RCW 9A.72.085, the undersigned hereby certifies under penalty of perjury under the laws of the state of Washington, that on the 28 day of December, 2006, the foregoing was delivered to the following persons in manner indicated:

Paul J. Burns, P.S.  
Attorney at Law  
1212 N. Washington, Suite 224  
Spokane, WA 99201-2400

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Bench Copies to:  
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\_\_\_\_\_

AFFIDAVIT OF MICHAEL E. McFARLAND, JR.  
IN SUPPORT OF DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT Page 4

*Evans, Craven & Lackie, P.S.*  
818 W. Riverside, Suite 250  
Spokane, WA 99201-0910  
(509) 455-5200; fax (509) 455-3632

EXHIBIT 1

IN THE SUPERIOR COURT, STATE OF WASHINGTON

COUNTY OF SPOKANE

JOHN L. HALE, and ROBBIN	)	
HALE, husband and wife,	)	
	)	
Plaintiff,	)	
vs.	)	No. 06-2-00194-8
	)	
WELLPINIT SCHOOL DISTRICT,	)	Volume II
NO. 49, a municipal	)	
corporation,	)	
Defendant.	)	

DEPOSITION OF REID RIEDLINGER

Taken in behalf of Plaintiff

Portland, Oregon

July 12, 2006

TEACH REPORTING, INC.  
(800) 230-3302\*\*\*\* (503) 248-1003

15ee474a-226a-44bc-97e7-fd36552af9a0

1 Q And to your knowledge, did that  
2 remain true during Mr. Hale's entire tenure  
3 up there?

4 A Yes.

5 Q What was Ms. Magden's initial role or  
6 assignment or job up there? What was her  
7 job?

8 A She was lead teacher.

9 Q Teacher?

10 A Lead teacher.

11 Q And what was Mr. Hale's role or  
12 assignment up there?

13 A Classroom support.

14 Q Was there any sort of supervisory  
15 relationship between the two?

16 A I think I asked them to be a team.  
17 Phyllis would have been the lead teacher,  
18 obviously, so she would assume supervisory  
19 direction.

20 Q And I think you characterized  
21 Mr. Hale's assignment as classroom support?

22 A Correct.

23 Q What does that mean?

24 A He was a classroom aide in the sense  
25 that he would, in this case, help with the

1 software problems that came aboard. He  
2 would help assist students when they had  
3 questions on the computer. He would take  
4 direction from Phyllis in terms of who  
5 needed help that day, or who didn't, or who  
6 would need help immediately. Or the  
7 hour-by-hour relationship that he would have  
8 is with the students in the classroom.

9 Q When he would -- he was initially  
10 assigned to Fort Simcoe, was there any  
11 supervisory relationship between Mr. Hale  
12 and Mr. Kristiansen?

13 A Supervisory?

14 Q Yeah. Was Mr. Kristiansen in any  
15 sort of supervisory role with respect to  
16 Mr. Hale when Mr. Hale was assigned to Fort  
17 Simcoe?

18 A Well, all questions regarding  
19 technology would be directed to Magda  
20 Kristiansen should Mr. Hale have any  
21 questions related to the software-hardware  
22 on-site.

23 Q At the time of the assignment in Fort  
24 Simcoe -- and let's agree that we understand  
25 that he agreed to go there. So when I use



## EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

---

JOHN L. HALE and ROBIN HALE,  
husband and wife,

Plaintiffs,

vs.

No. CV-04-0189-JLQ

PHYLLIS MAGDEN, in her  
individual capacities; REID  
RIEDLINGER, in his individual  
and official capacities; and  
WELLPINIT SCHOOL DISTRICT  
NO. 49, a municipal corporation,

Defendants.

---

DEPOSITION OF JOHN L. HALE

---

BE IT REMEMBERED that on the 9th day of March  
2005, at the hour of 9:07 a.m., the deposition of JOHN L.  
HALE was taken at the request of the Defendants, before  
Phylliss M. Bopray, a notary public and court reporter, CCR  
No. 2565, at 818 West Riverside Avenue, Suite 250, Spokane,  
Washington, pursuant to the Federal Rules of Civil  
Procedure.

A P P E A R A N C E S:

FOR THE PLAINTIFFS:

PAUL J. BURNS  
Attorney at Law  
North 1212 Washington, Suite 224  
Spokane, Washington 99201

SPOKANE REPORTING SERVICE  
421 W. Riverside, Suite 1010, Spokane, WA 99201

1 wanted to do it right away.

2 And so the discussion didn't get nailed down to  
3 where this school would be or anything like that, just that  
4 the position was going to be opening up.

5 And we discussed all the facets of how something  
6 like that would go about.

7 Q What was the position that was opening up?

8 A He -- he said he was looking for someone on a leadership  
9 team is what he called it.

10 Q Did he give any specific job title to the position he  
11 was looking at?

12 A No, just that I would be on the leadership team.

13 Q When in relation to that meeting were you offered the  
14 job?

15 A We had three or four meetings. I don't remember exactly  
16 how many. So it was probably three weeks after the first  
17 meeting.

18 Q Was it still in January?

19 A January or February.

20 Q When you were offered the job was the offer put in  
21 writing?

22 A No. It was verbal.

23 Q And at the time did you were offered the job was a  
24 specific job title offered to you?

25 A I don't ever remember a job title. And I just -- I just

1 recalled there had to have been some sort of form that I  
2 filled out, an employment application or something, because  
3 I think I had to be approved by the school board.

4 So there had to be some paperwork I filled out  
5 for that.

6 Q You don't have a copy of that paperwork?

7 A No, I don't think so. I don't remember ever seeing it.

8 Q But you don't remember at the time you were hired it  
9 being for a specific titled position?

10 A No. I don't think they had really nailed down exactly  
11 what the title was going to be.

12 Q Who offered you the position?

13 A Superintendent Riedlinger.

14 Q Did he do that by phone or in person?

15 A I believe in person.

16 Q Who else was there when he offered you the position?

17 A I don't remember. I don't even remember which meeting.

18 Q When Reid Riedlinger offered you the position did he  
19 offer a specific salary?

20 A Yes. What he said was he would put me on at Wellpinit  
21 School as a classified employee and I would make \$26,000 per  
22 year.

23 Q Did you sign any employment agreement at the time?

24 A I'm sure there were papers I had to sign.

25 Q But do you know if you were offered a one-year contract

1 that you signed?

2 A Most of that was verbal and really wasn't clear whether  
3 it was -- usually the school is September to September. And  
4 so I think it was -- I was starting in February. And at  
5 least it was for the rest of that school year, I thought.

6 Q When you were offered the position were you told it was  
7 for a time period greater than the remainder of the school  
8 year?

9 A I thought it was an ongoing position.

10 Q And I appreciate that. That's a little bit different,  
11 though, than the question I asked.

12 My question was: Did anyone tell you it was for  
13 a time period longer than the remainder of that school year?

14 A I don't remember anybody saying that.

15 Q What led you to believe it was for a time period longer  
16 than that school year?

17 A Because the project of opening the schools and teaching  
18 the schools was a long-term project.

19 Q And because it would take a long period of time to set  
20 up these online schools or classes, you assumed that the  
21 position was for a long period of time?

22 A Yeah. Even more so once they asked me to become  
23 certified. That was -- of course, that's for a whole year  
24 at a time. So I assumed that I was being certified from  
25 year to year.

1 paid in the state and that when I was going into the -- the  
2 problem with the way it was going to work was that we were  
3 going to be opening a new school at a location, which they  
4 were leaning towards Fort Simcoe at the time.

5 And so we didn't know for sure where I would be,  
6 but the thought was there was going to be several of these  
7 schools. And being on the leadership team, I got the  
8 impression I might be involved with several schools at one  
9 time. But, of course, we would start with one and do  
10 whatever it took to make that school work and then branch  
11 out from there.

12 Q So let me back up, then.

13 When you were originally hired by Wellpinit it  
14 was with the idea that you would be working with the  
15 development of a satellite school?

16 A Several satellite schools.

17 Q And originally when you were offered the job was it your  
18 understanding you would be stationed up in Wellpinit working  
19 on the development of satellite schools or that you would be  
20 actually working at one of the satellite schools?

21 A We didn't know. I assumed in the beginning it was going  
22 to end up being a traveling position where I would be  
23 radiating out of Spokane.

24 Q And when was it that you actually moved down to Fort  
25 Simcoe?

1 A That was in late May/early June. I think it was the  
2 last week of May of 2002.

3 Q I'm going to try not to minimize or characterize it in  
4 any way, but in order to summarize it, would you say that as  
5 part of this lawsuit you are alleging that you were treated  
6 poorly by the Wellpinit School District and various  
7 employees of the Wellpinit School District; correct?

8 A Yes.

9 Q Does any of that poor treatment or any of your  
10 allegations of poor treatment stem from the time period  
11 February 2002 through May 2002?

12 A Yes.

13 Q Okay. So as part of the allegations you are making in  
14 this lawsuit are you alleging that were you treated somehow  
15 improperly while you were still located at Wellpinit?

16 A Yes.

17 Q Now, during the time that you were at Wellpinit school I  
18 know you said you are not sure of the exact dates, but we  
19 will just kind of time frame it as February of 2002 through  
20 May of 2002.

21 During that time period you said you were  
22 teaching K through 12 in the laptop room?

23 A Yes.

24 Q What were you teaching K through 12?

25 A I was teaching beginning computers, depending on the

1 level of the class. In other words, the kindergarten class,  
2 we wrote their name and then we made it bigger and then we  
3 printed it. As the grades got higher, they had more  
4 projects that I created for them.

5 So each class was a little different type of  
6 class.

7 Q When you were teaching those classes in the laptop room  
8 were you the only nonstudent in the room?

9 A No. There was always -- the class generally came with  
10 their teacher.

11 Q So there was always a certificated personnel in the  
12 classroom?

13 A Yes.

14 Q And what would the certificated personnel do during  
15 those periods when they would bring their students down to  
16 the laptop room?

17 A They would help as much as they could.

18 Q And during the time period that you were assigned or  
19 working up at Wellpinit School, what were you doing with  
20 respect to the development or establishment of the satellite  
21 programs?

22 A While I was there I was learning about the Alliance  
23 program that they had, which was an online program that they  
24 had for their own students. And I worked closely with the  
25 teacher that taught their computer curriculum courses and

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1 of the highest paid people for what I was doing.

2 Q Okay. Did Mr. Riedlinger ever tell you you would be one  
3 of the highest paid persons in your position of any employee  
4 in the state?

5 A That was the impression I got, yes.

6 Q I didn't ask what your impression was. I asked if  
7 that's what he said.

8 A Not in those words.

9 Q What words did he use?

10 A I think I'm restating the same thing, but he just kept  
11 saying over and over that this is the highest paid district  
12 in the state, you will be getting paid commensurate like  
13 everybody else is getting here as soon as the money starts  
14 coming in.

15 Q In what manner were you treated unfairly or  
16 inappropriately or poorly during the time period you were  
17 working at Wellpinit School?

18 A The person that I would say started becoming abusive  
19 while I was at Wellpinit School on the reservation was Magne  
20 Kristiansen. I guess you kind of need to understand the  
21 background of what the agreement was.

22 I was hired because of my teaching experience  
23 and because of my wide area network experience and my  
24 computer experience. And while we were discussing the  
25 position it was pointed out that the server application they

1 used at Wellpinit was a Novell application.

2 And I was -- I was, let's say, an expert on  
3 Microsoft applications, not Novell servers. So I knew  
4 nothing about Novell servers. And so the agreement was that  
5 Mr. Kristiansen was going to teach me everything that I  
6 needed to know about the Novell operating systems.

7 And, because of that, when there were problems  
8 one of the things when you are a network administrator, you  
9 want to know who is having problems with your computers.

10 And so that was part of my job was to report  
11 what might be going wrong with computers in the laptop room,  
12 and which I did do dutifully.

13 And for some reason Mr. Kristiansen was not very  
14 forthcoming on any education about Novell and kind of left  
15 me hanging. There would be problems and I wouldn't know if  
16 Novell could be the root of the problem.

17 So I would explain the problem we were having  
18 but basically, because I didn't know what Novell could do to  
19 the computers, I just assumed Novell was what was causing  
20 the problem and it was something I didn't know about.

21 So it made me at times, I would say, look like I  
22 didn't know what I was doing because I didn't know what a  
23 Novell server application could do and what problems for  
24 troubleshooting might come up.

25 After a while when we went to work in the laptop

1 room Mr. Kristiansen made it very clear that a lot of the  
2 computers didn't work right, that he had a lot of problems  
3 in there. And we had to go through quite a -- about three  
4 different computers in order to find one that actually would  
5 work good enough for me to use as my office computer or my  
6 personal computer there in that room until my new one came.

7 And then when I reported things were wrong, we  
8 were having troubles with the computers, I began to get  
9 comments like, well, that's because you are in the room,  
10 like it was my fault that we were having trouble with the  
11 computers.

12 I don't think they had been used all day like I  
13 was asked to do. They had to be restarted frequently and  
14 stuff. And there were just a lot of problems with them.

15 And it went from him being nice about it to  
16 where he was criticizing me for the problems that I couldn't  
17 do anything about.

18 Q When you were initially hired by the Wellpinit School  
19 District it was to be an instructional assistant; is that  
20 correct?

21 A Not that I recall. I don't think I could be that  
22 without being certified.

23 Q Who was your supervisor when you were originally hired?

24 A Superintendent Riedlinger.

25 Q Anyone else?

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1 A Magne Kristiansen was a supervisor. And Mr. Adolf was  
2 in charge of the vocational program, so he was my supervisor  
3 in getting certificated and developing my continuing  
4 education program, that sort of thing.

5 Q So you answered to, while you were at Wellpinit School,  
6 Mr. Riedlinger, Mr. Kristiansen and Mr. Adolf?

7 A Yes.

8 Q And when you said that there was an agreement for  
9 Mr. Kristiansen to teach you everything he knew about  
10 Novell, what did you base that on?

11 A If I said it that way, he was supposed to teach me what  
12 I needed to know, not everything he knew.

13 Q Okay. Tell me what that agreement -- what you base that  
14 on.

15 A That was the specific agreement, he was going to teach  
16 me whatever I needed to know, and give me the support that I  
17 needed.

18 Q Agreement between whom?

19 A It was Superintendent Riedlinger, Mr. Kristiansen and  
20 myself.

21 Q I assume that Mr. Riedlinger told you that was going to  
22 happen?

23 A Mr. Kristiansen said that was going to happen while the  
24 three of us were there.

25 Q When was that?

1 A During the meetings prior to my being hired.

2 Q And you said that after you started at Wellpinit School  
3 you reported things were not -- or, not going well with the  
4 computers.

5 A Right.

6 Q To whom did you make that report?

7 A Mr. Kristiansen.

8 Q In writing or orally?

9 A Orally.

10 Q And then you said that he began criticizing you?

11 A Right.

12 Q And making comments such as that the problems are  
3 because you are in the room?

14 A That was one of his statements, yes.

15 Q And those are comments that were made during this time  
16 period February 2002 to May 2002?

17 A Right.

18 Q What other comments or criticisms do you recall  
19 Mr. Kristiansen making during the time period February 2002  
20 to May 2002?

21 A Just in general. I'm not even sure it was in specific  
22 words. More implications that I was ignorant or stupid. I  
23 guess that would basically sum up the impression that he  
24 gave me.

25 Q Okay. Let me try ask a more specific question.

1           What specifically do you recall Mr. Kristiansen  
2 saying to you during the time period February 2002 to May of  
3 2002 that you took as criticism or some other type of  
4 offensive comment?

5     A    The specific words was being told that the problems were  
6 occurring because I was in the room. That's one I remember  
7 specifically.

8           Most of the others were glances with the eye,  
9 smacking the lips or responding incredulously that, gee, you  
10 don't know that, you don't remember, things like that.

11    Q    Can you recall any other specific comment or statement  
12 Mr. Kristiansen made between February 2002 and May 2002 that  
13 you took as being offensive or a criticism of you?

14    A    No. That is about it.

15    Q    And were you in your opinion treated unfairly or  
16 improperly or poorly during the time period February 2002 to  
17 May 2002 by anyone other than Mr. Kristiansen?

18    A    No.

19    Q    And have you told me all the ways that Mr. Kristiansen  
20 treated you unfairly or improperly or poorly treated between  
21 the time period February 2002 and May of 2002?

22    A    I think so.

23    Q    How did you learn that you were going to be moving to  
24 Fort Simcoe?

25    A    That was shortly -- let's see. Anyway, as I was

1 A No.

2 Q But you were nonetheless told you were to answer to  
3 Director Calac --

4 A Yes.

5 Q -- by Mr. Riedlinger?

6 A Yes.

7 Q When you were sent down to Fort Simcoe were you told you  
8 were to answer to anyone other than Mr. Calac?

9 A Mrs. Magden was in charge of the classroom and in the  
10 class room, quote, what he said, she was to be God.

11 Q Who said that?

12 A Superintendent Riedlinger.

13 Q So you understood that your position was to answer to  
14 Ms. Magden?

15 A In the high school classroom, yes.

16 Q How did it come to be that you were living in the mobile  
17 home?

18 A That was the only space available. And we were, Phyllis  
19 and I, assigned to that place.

20 Q Rent free?

21 A Yes.

22 Q Was there a limitation on the amount of time you were  
23 allowed to live there, or was it an open-ended arrangement?

24 A It was temporary until we got something else, which  
25 would either be me finding or, let's say, Robbin and I

EXHIBIT 3



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

---

JOHN L. HALE and ROBIN HALE,  
husband and wife,

Plaintiffs,

vs.

No. CV-04-0189-JLQ

PHYLLIS MAGDEN, in her  
individual capacities; REID  
RIEDLINGER, in his individual  
and official capacities; and  
WELLPINIT SCHOOL DISTRICT  
NO. 49, a municipal corporation,

Defendants.

---

DEPOSITION OF JOHN HALE, VOLUME II

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BE IT REMEMBERED that on the 18th day of  
April 2005, at the hour of 9:06 a.m., the deposition of  
JOHN HALE, VOLUME II, was taken at the request of the  
Defendants, before Phyliss M. Bopray, a notary public and  
court reporter, CCR No. 2565, at 818 West Riverside Avenue,  
Suite 250, Spokane, Washington, pursuant to the Federal  
Rules of Civil Procedure.

A P P E A R A N C E S:

FOR THE PLAINTIFFS:

PAUL J. BURNS  
Attorney at Law  
North 1212 Washington, Suite 224  
Spokane, Washington 99201

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1 MR. BURNS: Object to the form.

2 Answer as best you can.

3 A I think it's just that he has an arrogant personality,  
4 let's say, abusive.

5 Q (By Mr. McFarland) Do you interpret that to mean that's  
6 the way Mr. Kristiansen was toward everyone, or do you think  
7 he was just arrogant and abusive toward you?

8 A I saw him abusive to other teachers. I wouldn't say he  
9 was abusive to everyone. Maybe I should say he picked his  
10 targets.

11 Q Why do you think you were picked as a target between  
12 February of 2002 and May of 2002?

13 A I wasn't a real important person at the time.

14 Q And so you think he was abusive to you simply because  
15 you weren't an important person?

16 A Probably, yeah.

17 Q Any other reason?

18 A I don't think so.

19 Q You testified that you might have notes that would  
20 indicate who you spoke with at ESD 101 when you called there  
21 inquiring about how to report illegal activity.

22 Do you remember saying that?

23 A Yes.

24 Q Did you by chance between March 9 and now look and see  
25 if you could find any such notes?

1 Joni Scott and I were the ones that were put in charge of  
2 the interviews.

3 Q Who gave you that task?

4 A Superintendent Riedlinger.

5 Q Did you end up hiring someone?

6 A Yes.

7 Q Who?

8 A Phyllis Magden.

9 Q So you were actually on the hiring committee for  
10 Phyllis.

11 A The interview committee, yes.

12 Q If you look down the page, there is an entry for the  
13 month of May. The second sentence, "Magne continued his  
14 arrogance, and I began to look forward to getting away from  
15 him."

16 Do you see that?

17 A Oh, yes.

18 Q And then it continues on, "Otherwise, the Wellpinit  
19 experience was great."

20 A Yes.

21 Q Am I correct from those two sentences that the only  
22 person who provided you any grief while you were actually up  
23 at Wellpinit was Mr. Kristiansen?

24 A Yes.

25 Q Other than what you've described as Mr. Kristiansen's

1 arrogance and what you believe to be his abusive behavior,  
2 there were no problems from your perspective with your  
3 employment while actually at Wellpinit?

4 A Correct.

5 Q Going down to the last sentence of the entry, or the  
6 first entry for May, it reads, "As the staff has realized  
7 how much money and time was wasted, they have become leery  
8 of what Wellpinit will do next."

9 Do you see that?

10 A Yes.

11 Q What staff were you referring to?

12 A That was for the Fort Simcoe.

13 Q What staff are you referring to?

14 A I believe I am talking about Director Calac. Possibly  
15 Assistant Director Sixkiller. And I don't know what other  
16 staff was involved right then.

17 Q As you sit here today you believe you were referring to  
18 was Director Calac and Sixkiller?

19 A Yes. Probably others but I can't remember specifically  
20 which ones.

21 Q Why did you say in May of 2002 that Director Calac was  
22 leery of what Wellpinit would do next?

23 A Because the electrical work that had been done. Demands  
24 of Mr. Kristiansen basically cost an extra month in labor  
25 that was probably unnecessary. And the electrician had

1 discussions with me.

2 I think people were just concerned that they  
3 might want a whole bunch more work because it was not their  
4 budget.

5 I don't know if that makes sense.

6 Q That led you to conclude that Calac and Sixkiller were  
7 leery what Wellpinit would do next?

8 A What they might do next.

9 Q Did they ever tell you that they were leery of what  
10 Wellpinit would do next?

11 A I don't think so specifically. That was just my  
12 impression.

13 Q If you turn to the next page, Exhibit 32, down at the  
14 bottom of the page you will see that you wrote, "Phyllis  
15 changed after that, as did the atmosphere working with her."

16 Do you see that?

17 A Yes.

18 Q Am I correct in interpreting that as meaning up to July  
19 of 2002 your relationship with Phyllis was acceptable from  
20 your point of view?

21 A Yes.

22 Q She wasn't demeaning or condescending or harassing of  
23 you up until July of 2002?

24 A No. She was very respectful.

25 Q So your problems with Phyllis then started in July of

1 2002?

2 A I wouldn't consider the problems until later on. Just  
3 her attitude changed a little bit.

4 Q When did you start having problems from your perspective  
5 with Phyllis?

6 A I believe they really showed up when I started noticing  
7 them in around November of 2002.

8 Q At the top of that first July entry it reads, "Magne  
9 arrived to make the repairs. He and Chris went about their  
10 business making sure I could not see or know what they were  
11 doing."

12 Do you see that?

13 A Yes.

14 Q Why do you say they were making sure you could not see  
15 or know what they were doing?

16 A They seemed to -- well, first of all, they never did  
17 anything to say, hey, look, this is what we are doing so  
18 you'll know what to do, or anything like that.

19 They just came in on their own, and they would  
20 make the repairs to the computer. Mr. Schott especially  
21 seemed to be careful to put his body between me and the  
22 screen so I wouldn't see what he was doing.

23 Q Other than Mr. Schott in your opinion putting his body  
24 between you and the computer screen, is there anything else  
25 that leads you to believe that Mr. Schott or Mr. Kristiansen

1 intentionally tried to keep you from seeing or knowing what  
2 they were doing?

3 A That was mainly it. And then not outwardly inviting,  
4 saying, come and see what we are doing.

5 Q And it's your belief -- well, strike that.

6 Apparently Mr. Kristiansen also, quote, refused  
7 end quote, to give you passwords?

8 A Correct.

9 Q What passwords did Mr. Kristiansen refuse to give you?

10 A It was the administrative password that administrators  
11 would use to work on the computers on the software.

12 Q And it's your belief that Mr. Kristiansen refused to  
13 give you the administrative password in order to make you  
14 look impotent?

15 A I don't know why he -- it's really absurd that you  
16 wouldn't give the administrator the administrative password.  
17 But to make me look absurd, whether he wanted to do that, I  
18 wouldn't know.

19 Q Let's go to your document. The last paragraph or last  
20 sentence of the first paragraph for your July entry, you  
21 wrote, "In fact, he refused to give me the passwords to make  
22 me look impotent and am unable to make any software  
23 repairs."

24 That is what you wrote; correct?

25 A Correct.

1 Q So it was your belief that Mr. Kristiansen intended to  
2 make you look impotent?

3 A I think that was my impression that he would intend to  
4 look me look impotent because, of course, if you don't have  
5 the password to do your job you look impotent. The fact  
6 that I couldn't do my job, it's obvious that if you don't  
7 have the administrative password you can't do the  
8 administrative work properly.

9 Q So whether you use word the impotent or some other word,  
10 you believe this Mr. Kristiansen was intentionally trying to  
11 set you up for failure?

12 MR. BURNS: Object to the form.

13 Do the best you can.

14 A It's possible, but it gets me in his mind. I don't know  
15 exactly what was there.

16 Q (By Mr. McFarland) Why do you think he was trying to do  
17 this? It was your belief that he was trying to make you  
18 look impotent.

19 A It really made no sense to me that you wouldn't give the  
20 administrative password to the administrator.

21 Q Did you have a belief at the time why he was doing that?

22 A Probably that he wanted to stay in control, probably  
23 keep his power.

24 Q You also believed that he refused to give you the  
25 password in order to prevent you from being able to make



1 software repairs?

2 A Yes.

3 Q Why did you think that Mr. Kristiansen would want you to  
4 not be able to make software repairs?

5 A For him to keep control.

6 Q Did you have a belief at the time why Mr. Schott was  
7 allegedly trying to preclude from you seeing or knowing what  
8 he was doing?

9 A I'm sure Mr. Kristiansen told him to do whatever he did.

10 Q Down at the third paragraph for the first entry in July  
11 you wrote, "Later, in the afternoon, what I feel was the  
12 fatal blow."

13 Do you see that?

14 A Yes.

15 Q And you go on to describe Mr. Kristiansen instructing  
16 Phyllis to report to her daily and you were not to make any  
17 decisions."

18 A Correct.

19 Q Why do you describe that as the, quote, fatal blow?

20 A I think that was the -- with Phyllis' personality -- I'm  
21 restarting -- if she in fact did what he instructed, that  
22 would be very damaging to me and my chance of being a  
23 successful leader there.

24 Q So you believe that Mr. Kristiansen gave this  
25 instruction to Ms. Magden in order to keep you from

1     succeeding as a leader at Fort Simcoe?

2     A     Yes.

3     Q     And, again, why do you believe that to have been the  
4     motivation?

5     A     If a leader can't make decisions it's obvious they  
6     didn't be a leader.

7     Q     What -- I am sorry. Go ahead.

8     A     So it fits in all the other stuff of not giving  
9     passwords and things like that to make it impossible for me  
10    to do my job.

11    Q     Why is it that you believe that Mr. Kristiansen wanted  
12    you to fail?

13    A     Again, I don't know why. But I think it has do with him  
14    keeping his power base.

15    Q     Going down to the sentence that I asked you about before  
16    where you wrote, "Phyllis changed after that, as did the  
17    atmosphere working with her", if you continue on to the next  
18    page, it reads, "Her humble attitude was replaced with more  
19    arrogance."

20                 Do you see that?

21    A     Yes.

22    Q     And then you continue on, "She followed Magne's orders,  
23    not knowing that I knew what was going on."

24                 Do you see that?

25    A     Yes.

1 Q What were you referring to when you wrote, "Not knowing  
2 that I knew what was going on"?

3 A They didn't know that I had overheard the conversation.  
4 So that's the answer.

5 Q Okay.

6 A They didn't know I had overheard that.

7 Q Okay. Skipping a sentence, it reads, "She made a good  
8 effort to keep me from knowing that she and Magne were  
9 working together to make me impotent and look bad for their  
10 own lust for power and advancement."

11 Did I read that correctly?

12 A Yes.

13 Q So at this point in time, July of 2002, you believe that  
14 Ms. Magden joined in Mr. Kristiansen's efforts to make you  
15 look impotent?

16 A Yes.

17 Q And you believe that they were conspiring to make you  
18 look impotent so they could advance their own careers and  
19 gain power?

20 A Yes.

21 Q How is it from your perspective that having you look  
22 potent furthers their goals, their own goals, for power and  
23 advancement?

24 MR. BURNS: Object to the form.

25 Go ahead.

1 Phyllis and Magne?

2 MR. BURNS: Object to the form.

3 Go ahead.

4 A No.

5 Q (By Mr. McFarland) If you go down now to August, the  
6 August entry on Exhibit 32 --

7 A Yes.

8 Q -- it says, "The August in-service was coming and I had  
9 sent my letter about Magne's abuse and my anxiety problems  
10 to Reid."

11 Do you see that?

12 A Yes.

3 (Exhibit No. 12 marked.)

14 Q (By Mr. McFarland) If I could get you to look at  
15 Exhibit No. 12.

16 A Yes.

17 Q Is that the letter you are referring to?

18 A Yes.

19 Q Looking at Exhibit No. 12, do you know if that's the  
20 first time you communicated to Mr. Riedlinger in writing  
21 that or you believed you were being abused by  
22 Mr. Kristiansen?

23 A Yes.

24 Q Do you know if you had reported orally to  
25 Mr. Kristiansen prior to August 25, 2002, that you believed

1 you were being abused by Mr. Kristiansen?

2 MR. BURNS: Excuse me. Could I have the  
3 question read back?

4 (The question was read.)

5 MR. McFARLAND: I will rephrase that.

6 Q (By Mr. McFarland) Do you know if you reported orally  
7 to Mr. Riedlinger prior to August 25, 2002, that you  
8 believed you were being abused by Mr. Kristiansen?

9 A I believe I reported it, but I doubt that I termed it as  
10 abuse.

11 Q What do you believe you reported to Mr. Riedlinger about  
12 Mr. Kristiansen prior to August 25, 2002?

13 A I reported that Mr. Kristiansen seemed very resolved to  
14 keep his power and that he wasn't -- he had policies of not  
15 backing up the server, policies of wanting to force  
16 everything to go through Wellpinit that might be detrimental  
17 to the Fort Simcoe school, and issues like that, the fact of  
18 no passwords and problems like that that really weren't very  
19 professional for a wide area network.

20 Q At the bottom of the page on Exhibit 12 you state, "I am  
21 making an appointment with the doctor to get something for  
22 the nausea and pain, but it takes a long time to get an  
23 appointment."

24 Do you see that?

25 A Yes.

1 Q Prior to August 25, 2002, had you ever told Reid that  
2 you believed you were experiencing health problems because  
3 of Mr. Kristiansen?

4 A No.

5 Q Prior to August 25, 2002, had you ever told anyone with  
6 the Wellpinit School District that you believed  
7 Mr. Kristiansen's interaction with you was causing any  
8 health problems?

9 A Only to Mrs. Magden.

10 Q If you look up two paragraphs from the bottom on Exhibit  
11 12, the last sentence reads, "His abuse seems to be intended  
12 to get me to quit my position, but I am very excited about  
13 this project and really want this high school to be  
14 successful."

15 Do you see that?

16 A Yes.

17 Q Your statement about Mr. Kristiansen wanting to get you  
18 to quit your position is based upon your belief that he  
19 wanted to maintain complete power over the network?

20 A Actually, he had become so consistently abusive and  
21 obnoxious that it just seemed that anyone -- that was just  
22 his way of making things so miserable for me that I would  
23 want to quit.

24 Q Why do you think he wanted you to quit?

25 A I don't know other than there must have been a

1 personality conflict. Or possibly my complaints to  
2 Superintendent Riedlinger might have caused him to become  
3 angry at me.

4 Q Any complaints to Superintendent Riedlinger that you  
5 just referred to, were those complaints that you told me you  
6 made orally to Mr. Riedlinger about Mr. Kristiansen prior to  
7 August 25, 2002?

8 A Right. Regarding his policies.

9 Q Looking right below the August entry back on Exhibit 32,  
10 there are several lines before there is a September entry.

11 Do you see that?

12 A Yes.

13 Q Did you originally have entries between the August entry  
14 and the September entry that were at some point deleted?

15 A I don't think so.

16 Q Do you know why those several lines appear there between  
17 the August and September entry?

18 A When I make the table I always put a whole bunch of  
19 extra cells in. And I believe I just clicked a few rows  
20 down when I began my next entry. I don't think anything was  
21 taken out of there.

22 Q Did Mr. Riedlinger ever respond to your August 25, 2002,  
23 letter that we've marked as Exhibit No. 12?

24 A Yes; through Mrs. Magden.

25 Q What response was that?

1 A Yes.

2 Q -- in the Wellpinit log of December 2002?

3 A Yes.

4 Q If you look at Exhibit No. 15, the first sentence  
5 states, "I am writing this letter to you because  
6 Mr. Riedlinger has not responded to my previous efforts to  
7 discuss what I think is abusive treatment by Wellpinit staff  
8 and working conditions that have resulted in severe medical  
9 problems for me."

10 Did I read that correctly?

11 A Yes.

12 Q Okay. Before I get into that, let me ask a couple of  
13 preliminary questions.

14 We identified a couple of minutes ago in an  
15 August 25, 2002, letter that you sent to Mr. Riedlinger  
16 that, you said, was the first time you told him that you  
17 were having any type of health problems because --

18 A Yes.

19 Q -- because -- let me finish -- health problems because  
20 of Mr. Kristiansen?

21 A Yes.

22 Q Now, did you write any letters to anyone between August  
23 25, 2002, and January 3, 2003, discussing health issues that  
24 you believed were related to Mr. Kristiansen's treatment of  
25 you?



1 school psychologist. I also talked to Jeff Adolf.

2 Q Okay. So when you were referring to your quote,  
3 unquote, previous efforts to discuss what you referred was  
4 abusive treatment, you were referring to your August 25,  
5 2002, letter to Mr. Riedlinger --

6 A Correct.

7 Q -- your discussions with Mr. Adolf --

8 A Yes.

9 Q -- and possibly a discussion or discussions you had with  
10 the school psychologist?

11 A Correct.

12 Q When you were referring in Exhibit No. 15 to the abusive  
13 treatment by Wellpinit staff, who were you referring to?

14 A Mr. Kristiansen and Mrs. Magden.

15 Q And I probably asked an inartful question earlier about  
16 your first complaint to anyone at Wellpinit regarding  
17 Ms. Magden's treatment of you because I implied in my  
18 question that you complained in the January 3, 2003, letter  
19 about Ms. Magden's treatment of you.

20 But you don't in fact refer to Ms. Magden in  
21 this letter; correct?

22 A Correct.

23 Q So let me go back and clear that up.

24 When was the first time that you complained to  
25 anyone employed with the Wellpinit School District regarding

1 class with no documentation. Lolita Lopez was forced out of  
2 the program without any documentation.

3 And that's all the names that I remember.

4 Q You can't give me any other names that you were  
5 referring to other than Lolita?

6 A Correct.

7 Q Going back now, Mr. Hale, to Exhibit 32, which is this  
8 one --

9 A Oh, okay.

10 Q -- you have an entry dated January 9.

11 Do you see that?

12 A Yes.

13 Q And that starts off by discussing a meeting you had with  
14 Reid Riedlinger; correct?

15 A Yes.

16 Q And that was a meeting that apparently took place in his  
17 Humvee?

18 A Yes.

19 Q And the second sentence of that entry says, "We  
20 discussed my letter."

21 A Yes.

22 Q That's referring to the January 3, 2003, letter.

23 A Yes.

24 Q Tell me exactly what you recall Reid saying to you  
25 during your meeting in his Humvee on January 9, 2003.

1 MR. BURNS: Object to the form.

2 Answer as best you can.

3 A We talked generally about all the issues in the letter  
4 that we could remember. The letter wasn't there.

5 And, as I remember, we talked just about every  
6 bullet point except for salaries, and specifically about  
7 Rosalie Ortega and her six weeks of doing over two years of  
8 high school -- completing two years in six weeks, the false  
9 transcripts, the discrimination against Mr. Williams and the  
10 other issues in the bullet points that we could remember.

11 Q Did you discuss with Reid in his Humvee on January 9,  
12 2003, Phyllis' treatment of you?

13 A Yes.

14 Q Okay. And did you discuss on January 9, 2003, with  
15 Mr. Riedlinger your health concerns?

16 A I am not positive January 9 was the day of the meeting.  
17 That's when I made the entry.

18 And, secondly, we did talk about my health, yes.

19 Q During that meeting that you had with Mr. Riedlinger in  
20 his Humvee did you discuss Mr. Kristiansen's treatment of  
21 you?

22 A I don't think so.

23 Q Okay. And is that because you hadn't had any  
24 interaction except maybe email with Mr. Kristiansen since  
25 7-02-002?

1 A Correct.

2 Q You said you weren't sure the meeting with Reid took  
3 place on January 9, 2003?

4 A Correct.

5 Q Okay. But it took place right around that time period?

6 A Yes. Yeah.

7 Q As of the time of meeting in January of 2003 with  
8 Mr. Riedlinger, was anyone other than Phyllis Magden  
9 treating you in a manner you considered abusive or hostile?

10 A I felt some of Superintendent Riedlinger's treatment was  
11 hostile.

12 Q Anyone else?

13 A No.

14 Q And as of the time you had this meeting with  
15 Mr. Riedlinger in January of 2003, what acts or actions had  
16 he done that you considered to be hostile or abusive toward  
17 you?

18 A Back when they had the in-service at Wellpinit we had  
19 what was called an Alliance meeting, and he opened the  
20 meeting by bringing out a leadership report that I had sent  
21 to the other members of the Alliance committee and  
22 characterized it as, for search of a better term, a gripe  
23 letter, chastised me about sending such a gripe letter.

24 And that was, anyway, the first incident of that  
25 meeting.

1           Later I brought up the fact that Mr. Kristiansen  
2   and I were having differences. And in that meeting and  
3   there was like 15, 12 to 15, people there.

4           He just said let's get these differences  
5   resolved right now. And I assumed he thought somehow we  
6   were going to get all our differences resolved with everyone  
7   else in the room. Anyway, that I felt was out of line.

8           He had in September ordered me not to  
9   communicate with Wellpinit which, of course, meant him and  
10   Mr. Kristiansen, not to report to them directly. Only to  
11   report through Mrs. Magden. And that was a big part of what  
12   created such difficult working conditions.

13           And I think that was it until after this meeting  
14   we are talking about.

15   Q   Okay. The in-service that you were talking about that  
16   happened at Wellpinit, do you remember the day of that?

17   A   No, I don't.

18   Q   Do you remember what month it was in?

19   A   It was either late August or early September.

20   Q   Of 2002?

21   A   Yes.

22   Q   Do you remember the date of the letter, that report,  
23   that Mr. Riedlinger characterized as a gripe letter?

24   A   I don't remember the date. It was made over several  
25   days prior to the in-service meeting.

1 do you recall Mr. Riedlinger saying?

2 A He said something like you had this one when you came to  
3 work for us.

4 Q Do you recall anything else Mr. Riedlinger said during  
5 that meeting about that subject matter?

6 A I think that was the end of the subject.

7 Q What do you recall advising Mr. Riedlinger during your  
8 January 2003 meeting with him in his Humvee regarding  
9 Phyllis' treatment of you and the health consequences you  
10 believed it was causing?

11 A I believe I said, yes, meaning the diagnosis had been  
12 made earlier.

13 Q That you had been diagnosed with a generalized anxiety  
14 disorder prior to coming to work for Wellpinit?

15 A Yes.

16 Q Before Mr. Riedlinger asked you about whether or not you  
17 had that diagnosis earlier did you discuss with him Phyllis'  
18 treatment of you?

19 A Yes.

20 Q Okay. And what specifically did you report during that  
21 meeting to Reid regarding Phyllis' treatment of you?

22 A Primarily that I had been, for want of a better term,  
23 excommunicated from Wellpinit. In other words, I had  
24 absolute any no knowledge of what was going on at Wellpinit  
25 except through Mr. Adolf.

1 I think basically that that lack of  
2 communication, that ostracism or excommunication, whatever  
3 you want to call it, made my position very difficult,  
4 specially being a leader of the program.

5 Q What did you tell Mr. Riedlinger during your January  
6 2003 meeting with him in his Humvee regarding how that  
7 excommunication, to use your term, was affecting your  
8 health?

9 A I don't think we went into detail any about my health.

10 Q Did you discuss your health at all during that meeting  
11 with Mr. Riedlinger?

12 A I think just the fact that I had been diagnosed with  
13 generalized anxiety disorder.

14 Q Did you have any discussion with Mr. Riedlinger during  
15 the January 2003 meeting with him in his Humvee as to  
16 whether the anxiety was worse or had been exacerbated or  
17 anything as a result of Phyllis' conduct?

18 A I don't think there was any detail. We more focused on  
19 the bullet items in the letter and those issues.

20 Q I think I remember reading somewhere that you were  
21 pleased with that meeting with Mr. Riedlinger; is that  
22 correct?

23 Not what I read, but were you pleased with that  
24 meeting?

25 A Not particularly except for the fact we got to discuss a

1 lot of issues that hadn't been discussed previously.

2 Q Did you believe Mr. Riedlinger gave you full opportunity  
3 to discuss whatever you wanted to discuss?

4 A I thought the environment was not very friendly. But we  
5 got to discuss the issues in the letter.

6 Q Why wasn't the environment very friendly?

7 A He just asked me to get in his Humvee and drove around  
8 until he got to an isolated part of Fort Simcoe and pulled  
9 off the road and shut off the motor and said, okay, let's  
10 discuss your letter.

11 It was not very tactful.

12 Q Was Mr. Riedlinger not friendly during the meeting or  
13 did you just believe being in a Humvee wasn't conducive to  
14 location for having the meeting?

15 A Just was an intimidating location, but I thought our  
16 conversation was productive. He tried to be friendly, too.

17 Q Going back to Exhibit No. 32, that January 9 entry, the  
18 last paragraph says, "I didn't quite understand why the  
19 Board would send Reid to investigate what he is doing  
20 wrong."

21 Do you see that?

22 A Yes.

23 Q So it was your understanding that Reid had been sent  
24 down to meet with you by the board --

25 A Correct.



1 Do you see that?

2 A What date is it?

3 Q Right here.

4 A Oh, okay.

5 Yes, I see.

6 Q Why would Mr. Riedlinger not want you to assume anything  
7 as vocational instructor?

8 A What Mr. Adolf reported back to me was that he was  
9 unhappy that I was a certified instructor.

10 Q So Mr. Adolf reported to you that Reid was unhappy that  
11 you were a certified instructor?

12 A Correct.

13 Q Did Mr. Adolf tell you why Reid was unhappy that you  
14 were a certified instructor?

15 A I can remember. The general gist of the conversation  
16 was that Mr. Riedlinger didn't seem to remember when he  
17 asked me to go get certified and that he was regretting the  
18 fact the I was certified because of, I think, possibly pay  
19 issues.

20 Q And from that you deduced that he wanted -- at any time  
21 want you to achieve anything as a vocational instructor?

22 MR. BURNS: Object to the form.

23 A Correct.

24 Q (By Mr. McFarland) So as of January 25, 2003, it was  
25 your belief that Magne Kristiansen, Phyllis Magden and Reid

1 Riedlinger all wanted you to fail?

2 A I think for independent reasons, not a conspiracy-type  
3 thing.

4 Q But for independent reasons all three of those people  
5 wanted you to fail?

6 A Not so much me fail as them succeed.

7 Q Did you not tell me earlier that with respect to  
8 Mr. Kristiansen and Ms. Magden that you believed they wanted  
9 you -- or, that in order for them to succeed it benefited  
10 them for you to fail?

11 A That was one impression that I had in my mind as I  
12 searched for possible reasons that they would do the things  
13 they were doing.

14 Q And that's what you noted in your Wellpinit log?

15 A Yes.

16 Q As of January 25, 2003, when you concluded that  
17 Mr. Riedlinger didn't want you to achieve anything as a  
18 vocational instructor, did you still believe that  
19 Mr. Kristiansen wanted you to fail?

20 A I hadn't talked to him for months. I had assumed that  
21 that problem had been resolved.

22 Q And as of January 25, 2003, did you continue to believe  
23 that Ms. Magden wanted you to fail?

24 A Yes.

25 Q Continuing on in Exhibit No. 32, there is a sentence

1 classroom to teach the online course?

2 A Yes.

3 Q And did you maintain that classroom from January of 2003  
4 until March of 2003 when you resigned?

5 A Mrs. Magden never allowed me to teach the crass.

6 Q I thought you just told me you did get your own  
7 classroom that you taught.

8 A Right, I was. Superintendent Riedlinger assigned me to  
9 get the class. It was announced to all of the Fort Simcoe  
10 staff and students. I went into the class, and Mrs. Magden  
11 never allowed me to be the certified teacher.

12 Q What became of the class?

13 A I was told that I was to type transcripts full time and  
14 that I was somehow supposed to monitor the class and I was  
15 also, when Mrs. Magden needed me, to do chores like go make  
16 copies or something for her. She had me do that.

17 Q Let me break this down.

18 In January of 2003 were there or were there not  
19 two online classes being taught?

20 A Yes.

21 Q And one of which Phyllis was in?

22 A Correct.

23 Q And the other one you were in?

24 A Correct.

25 Q And did there remain two online computer classes through

1 your resignation in Wellpinit?

2 A Yes.

3 Q And were you the assigned teacher for one of those two  
4 classes through your resignation?

5 A Yes.

6 Q If you had a class, an online class, that you were  
7 responsible for in January of 2003, did that mean you could  
8 no longer substitute for Robbin or fill in?

9 A No.

10 Q You couldn't or that --

11 A No, it didn't mean that.

12 Q Why not?

3 A Because I still would have those duties.

14 Q At other times when you were not actually in the class,  
15 online class?

16 A Or if the other teacher was not there. Somehow the  
17 class would have to be taught.

18 Q Okay. Was it taught at different times than your  
19 class -- was Phyllis' and Robbin's classes taught at  
20 different times than your class?

21 A No. The same, they would be the same time.

22 Q Would you just bring all the students into one room,  
23 then?

24 A Right.

25 Q If you turn the page of Exhibit No. 32, there is an

1 ends on line 9.

2 A Yes.

3 Q Is that describing the event you talked about earlier  
4 where Mr. Riedlinger tried to get you and Mr. Kristiansen to  
5 resolve your differences at an in-service meeting?

6 A Yes.

7 Q If you go to page 20 of your affidavit now, in order for  
8 you to kind of put context to my question, if you read the  
9 last paragraph to yourself, the one that begins, "Although  
10 the communication order," and just tell me when you've had a  
11 chance to read that.

12 A Yes.

13 Q The last sentence reads, "It seemed to me that the total  
14 effort was to be sure that I would not be able to have a  
15 successful vocational class."

16 Are you referring to Phyllis Magden there or  
17 somebody else that's part of this effort to make sure you do  
18 not have a successful educational class?

19 A Phyllis Magden.

20 Q Does that go back to your earlier testimony that it was  
21 your belief she wanted you to fail so that she would be the  
22 only person or she would be the only administrative person  
23 there and thereby --

24 A Yes, it does.

25 Q -- have more power?

1 A Yes.

2 Q Not to confuse you, but if I could get you to go back to  
3 Exhibit 32, which is your Wellpinit log --

4 A Okay.

5 Q -- the second-to-the-last page.

6 A Yes. Okay.

7 Q There is an entry that says, "May 5th Quote to  
8 Dr. Patterson."

9 A Yes.

10 Q Seven lines down, it says, "Mr. Riedlinger was a  
11 big-shot trying to be a bigger one, and he could not deal  
12 with my professionalism."

3 Do you see that?

14 A Yes.

15 Q What did you mean by that?

16 A Actually that -- that came up in a meeting in September  
17 in Director Calac's office when Mr. Riedlinger said that our  
18 program was -- what we were doing was way beyond the --  
19 let's say that it had international impact, that he had just  
20 been in People Magazine or interviewed by People Magazine,  
21 and that our program was just way, way out there.

22 Q Okay. Well, what did you mean when you said that  
23 Superintendent Riedlinger couldn't deal with your  
24 professionalism?

25 A When you are in a leadership position one of your

1 functions is to make management reports and document things  
2 that are going good and things that are going bad. And when  
3 he chewed me out in front of the entire group for  
4 documenting those things, it seemed it me he wasn't prepared  
5 for professional management reports.

6 Q Anything else that caused you to write that  
7 Mr. Riedlinger couldn't deal with your professionalism?

8 A I think that was mainly it. And I think that he didn't  
9 understand that if you are going to a meeting with an agenda  
10 that the people at the meeting need to see the agenda before  
11 the meeting. It's been his practice to hand out the agenda  
12 after the meeting is convened. And it's always been my  
13 policy to let that agenda be distributed to the different  
14 participants of the meeting so that all issues can be  
15 discussed thoughtfully.

16 Q Go to page 31, then, of your affidavit.

17 MR. BURNS: Page what?

18 MR. MCFARLAND: 31.

19 Q (By Mr. McFarland) There should be a paragraph there or  
20 section entitled The Written Complaint to the School Board.

21 A Yes.

22 Q That's referring to the January 3, 2003, letter?

23 A Yes.

24 Q Now if you would turn to page 34 of your affidavit --

25 A Okay.

1 Q -- read the paragraph to yourself beginning at line 9.

2 It should start off; "To be demoted."

3 A Okay.

4 Q Just read that paragraph to yourself and let me know  
5 when you are done, please.

6 A Okay.

7 Q I want to go back to this concept of you being demoted.  
8 Okay?

9 A Yes.

10 Q And I ask that you bear with me because sometimes the  
11 simplest of things can be quite confusing to me.

12 A Okay.

13 Q And I want to go through a progression of what happened.

14 A All right.

15 Q First of all, there was never a, quote, unquote,  
16 official demotion of your position; right?

17 MR. BURNS: Object to the form.

18 Go ahead.

19 A Correct.

20 Q (By Mr. McFarland) There was never like a document that  
21 said you are being demoted to X position?

22 A Correct.

23 Q Okay. When you are referring to being demoted, what you  
24 have in mind is that you were originally supposed to be part  
25 of this leadership team; correct?



1 A That's incorrect.

2 Q What do you -- tell me what you have in mind when you  
3 say you were demoted.

4 A I wasn't allowed to be the certified instructor that I  
5 was.

6 Q Okay. That's where I get a little bit confused because  
7 -- let me tell you what my understanding from what you told  
8 me is, and then you can tell me where I'm wrong.

9 My understanding was that you said that it  
10 became or it was the intention that you were going to be  
11 having your own assigned class beginning in January of 2003.

12 Am I correct so far?

3 A Yes.

14 Q And that you did end up having that class?

15 A Correct.

16 Q But weren't allowed to teach it?

17 A Correct.

18 Q Okay. If you had your own assigned class, how was it  
19 that you weren't allowed to teach it?

20 A I was told that I had to type transcripts all day every  
21 day, except when I was supposed to go make copies or things  
22 like that for Mrs. Magden.

23 Q Now, during this time period when you had your own  
24 assigned class beginning in January of 2003, were you in the  
25 same physical classroom as Phyllis, or a separate classroom?

1 A Separate classroom.

2 Q And you had students actually assigned to that  
3 classroom?

4 A Yes.

5 Q And what you are saying, however, is that although you  
6 had your separate classroom and your separately assigned  
7 students, you couldn't provide the instruction you believe  
8 you needed because you were doing menial tasks for  
9 Ms. Magden?

10 A That's one of the reasons, yes.

11 Q How else were you not allowed to teach the class other  
12 than being given these assignments such as typing  
13 transcripts and copying?

14 A Certified teachers have to make reports on the students  
15 on their progress and their behavior in the classroom and  
16 things like that. And I was never allowed to do any of  
17 those things that certified teachers are responsible for  
18 doing.

19 Q Other than making reports on students, what other type  
20 of activities were you precluded from doing that certified  
21 teachers are supposed to do?

22 A A certified teacher should go around the room seeing how  
23 students are accomplishing their work, seeing if they are  
24 actually doing their work, the teachers should be aware of  
25 what is going on in the room at all times and should be

1 there available when there are any questions to be asked and  
2 there to instruct the students, not just when they come up  
3 to the desk but when you can see that a student is  
4 struggling you go up and help the student.

5 Q And is it your testimony that you were precluded from  
6 doing such things as going around the room checking on the  
7 students and answering questions and being available to help  
8 because you were tied to your desk typing transcripts or  
9 doing other secretarial-type work?

10 A Yes.

11 Q And how was it that you were precluded by Ms. Magden  
12 from making reports that are required for students?

13 A She did all the reports herself.

14 Q Including reports on your students?

15 A Yes.

16 Q What kind of reports are you referring to?

17 A There were weekly reports that went to Fort Simcoe staff  
18 and, of course, any reports that would have gone to  
19 Wellpinit staff on the students.

20 Q And so when you refer to being demoted to an assistant  
21 to Ms. Magden, what you are referring to is the situation  
22 you just described?

23 A Yes.

24 Q And it's your belief that demotion, as you've described  
25 it, was the result of having made the complaint to the board

1 is a sentence that reads, "I have been abused by every  
2 nonconstruction employer."

3 Do you see that?

4 A Yes. I didn't see it. I remembered the statement.

5 Yes.

6 Q First question: Who are we referring to there?

7 A We are talking about Apollo College and Microsoft and  
8 Wellpinit.

9 Q Anyone else?

10 A I can't think of them now.

11 Q Are there others, other nonconstruction employers, that  
12 you have been abused by now that you just can't think of the  
13 name?

14 A There might have been one.

15 Q And I know you discussed this at the first part of your  
16 deposition so I don't want to go into too much detail about  
17 it, but the abuse you experienced from Apollo College had to  
18 do with the indoor air of your classroom?

19 A That was part of it.

20 Q Okay. How else did Apollo College abuse you?

21 A I got reprimanded for writing a suggestion. They had  
22 kind of a policy of having you work extra hours without  
23 getting paid. Those sorts of things.

24 Q You got reprimanded for writing a letter to someone?

25 A Uh-huh.

1 MR. BURNS: Is that a yes for the record?

2 A Yes.

3 THE WITNESS: I am sorry.

4 MR. BURNS: That's all right.

5 Q (By Mr. McFarland) To whom did you write the letter?

6 A I believe her name was Marge. She was the director of  
7 Apollo College at the time.

8 Q And in that letter did you address the issue of working  
9 extra hours without getting paid?

10 A No.

11 Q Okay. Was that a separate subject matter you were  
12 telling me about when you brought up Apollo College making  
13 employees work --

14 A Correct.

15 Q -- extra hours without being paid?

16 What were the issues you were raising in the  
17 letter to Marge?

18 A It was -- I don't remember the subject matter. It had  
19 to do with working with students and improving the college.

20 Q Is that the -- that's not the issue that ended up  
21 resulting in your termination, was it?

22 A No.

23 Q Do you have a copy of the letter you wrote to Marge that  
24 results in your reprimand?

25 A I don't think so.

1 Q Was the reprimand you received from writing that letter  
2 written?

3 A Written.

4 Q Do you have a copy of it?

5 A No.

6 Q And if I asked you this, I apologize, but did you say  
7 you can't remember any of the subject matters specific that  
8 were raised in the letter?

9 A I can't remember specifically.

10 Q And then you were abused by Apollo College because they  
11 made you work extra hours without getting paid?

12 A I didn't consider that abusive. That's just one of the  
13 behaviors that isn't fair.

14 Q When you had in mind Apollo College as being one of the  
15 nonconstruction employers that abused you, what did you have  
16 in mind other than getting the reprimand for writing the  
17 letter to Marge and the issue concerning the circulation in  
18 the room?

19 A It was primarily the letter of reprimand and the way  
20 that staff were treated at the college.

21 Q And how were you treated as a staff member at the  
22 College that you thought was abusive other than what you've  
23 already told me?

24 A I think that primarily covered it. Like I said, you  
25 weren't allowed to make suggestions. They, again, withheld

1 essential software that was necessary to teach the classes.

2 It was a strange management style that was  
3 difficult, I think, for anybody to understand. Because of  
4 that, we had really high turnover and lot of employee  
5 problems.

6 Q Did you ever complain about not being provided the  
7 necessary software to teach at Apollo College?

8 A I learned after the first suggestion, never, you don't  
9 do that there.

10 Q And you are referring to your letter to Marge --

11 A Yes.

12 Q -- that got the letter of reprimand?

13 A Yes.

14 Q Okay. How was Microsoft abusive to you?

15 A It's the overall setup that they have in these phone  
16 support places. It's an atmosphere, a tremendously  
17 stressful atmosphere. They monitor your phone calls. And  
18 it's kind of like they are spying on you. They are using --  
19 it was so regiment you couldn't go to the bathroom without  
20 clocking out, and you were checked how long you were gone.  
21 Everything was regimented by the computer.

22 And it was a very strange and foreign atmosphere  
23 that I had never experienced before.

24 Q While you were at Microsoft were you abused in any other  
25 way in your mind other than what you have just described?

SPOKANE REPORTING SERVICE

421 W. Riverside, Suite 1010, Spokane, WA 99201

EXHIBIT 4



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN L. HALE and ROBIN HALE,  
husband and wife  
Plaintiffs,

Vs.

NO. CV-04-0189-JLQ

PHYLLIS MAGDEN, in her  
individual and official  
capacities; REID RIEDLINGER,  
in his individual and official  
capacities; and WELLPINIT  
SCHOOL DISTRICT NO. 49, a  
municipal corporation,  
Defendants.

DEPOSITION OF REID RIEDLINGER

Deposition upon oral examination of REID RIEDLINGER, taken  
at the request of the Plaintiffs, before Gale W. Parrish, a  
notary public, at the Wellpinit School Distrit, 6270  
Ford-Wellpinit Road, Wellpinit, Washington, commencing at or  
about 10:00 a.m. on June 6, 2005, pursuant to the Federal  
Rules of Civil Procedure.

Snover & Parrish, LLC

Tel. No. (509) 467-0666/Fax No. (509) 467-3844

dacc2b16-9c8f-48d7-8cbd-c560dd0faebf

1 Alliance High School Program with --

2 Q With what?

3 A Which is the Distance-Learning Outreach Program.

4 Q I want you to pretend you are in trial and talking to  
5 the jury, and you need to tell them what a Distance-Learning  
6 Outreach Program is. What are you going to tell them?

7 A The Wellpinit Distance-Learning Outreach Program is a  
8 drop-out recovery program with sites in different  
9 communities.

10 Q How many different sites?

11 (Discussion held off the record)

12 Q (By Mr. Burns) Back on the record.

13 How many different sites?

14 A I am not sure what you mean by what site.

15 Q It is your term. You tell me.

16 A Site for me is students with homes -- or live in homes  
17 that have a Wellpinit online program in their home, and it  
18 could be at different communities in the area, Eastern  
19 Washington as well as, I guess, I would say in the  
20 communities -- let me be exact in the communities if I can.

21 Keller (phonetic), Nespelum, Omak, the Yakima  
22 Reservation.

23 Q Is that White Swan?

24 A Fort Simcoe is White Swan.

25 Q Thank you.

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

JOHN L. HALE and ROBBIN HALE,  
husband and wife,  
Plaintiffs,

vs.

NO. CV-04-0189-JLQ  
VOLUME III

PHYLLIS MAGDEN, in her individual  
and official capacities; REID  
RIEDLINGER, in his individual and  
official capacities; and WELLPINIT  
SCHOOL DISTRICT NO. 49, a Municipal  
corporation,  
Defendants.

CONTINUED DEPOSITION OF JOHN L. HALE

Continued deposition upon oral examination of JOHN L. HALE,  
taken at the request of the Defendants, before Deborah G.  
Peck, Certified Shorthand Reporter/Notary Public, CCR No.  
2229, at the law offices of Evans, Craven & Lackie, 818 West  
Riverside Avenue, Suite 250, Spokane, Washington, commencing  
at or about 9:00 a.m. on April 20, 2005, pursuant to the  
Federal Rules of Civil Procedure.

APPEARANCES:

FOR THE PLAINTIFFS: PAUL J. BURNS

FOR THE DEFENDANTS: MICHAEL E. MCFARLAND, JR.

ALSO PRESENT: Robbin Hale

1 efforts to discuss what I think is abusive treatment by  
2 Wellpinit staff and working conditions that have resulted in  
3 severe medical problems for me.

4 Is it your testimony today that you weren't  
5 referring to abusive treatment of you?

6 A The abusive treatment to me was referring to Mr.  
7 Kristiansen and the letter that I had written about Mr.  
8 Kristiansen.

9 The working conditions where we were isolated  
10 from all communication with Wellpinit, those sorts of things  
11 were caused by Superintendent Riedlinger. I guess that's  
12 what they were talking about.

13 Q So from your perspective when you wrote the January  
14 3rd, 2003 letter that we've marked as Exhibit No. 15, you  
15 weren't complaining about the way Phyllis Magden was  
16 treating you?

17 A Correct.

18 Q Did you ever provide any written documentation to Mr.  
19 Riedlinger or the board of directors regarding the treatment  
20 you were experiencing from Ms. Magden?

21 A If I did it would have been after treatment after  
22 this January letter.

23 Q So to make sure that I'm clear, in your January 3rd  
24 2003 letter to the board of directors that we've marked as  
25 Exhibit No. 15, the abusive treatment by Wellpinit staff

1 that you were complaining of as having resulted in severe  
2 medical problems for you was in reference to the treatment  
3 that you'd experienced by Mr. Kristiansen?

4 A And the working conditions that Superintendent  
5 Riedlinger had created.

6 Q Okay. And those working conditions were isolating?

7 A Isolating, not allowing me to communicate with  
8 Wellpinit, forcing me to depend on Mrs. Magden for all my  
9 information. And she wasn't knowledgeable enough about  
10 computers to really give me any valuable information on  
11 that. And she gave me no information on what was going on  
12 with Wellpinit..

13 And of course she was doing a lot of illegal  
14 stuff that was very frustrating for me to watch, to have all  
15 this illegal stuff going on. Because Superintendent  
16 Riedlinger, his primary charge to me was to make sure that  
17 there weren't any law violations. That was part of my  
18 leadership duties.

19 Q If you look back at Exhibit No. 15, the first bullet  
20 point down here.

21 A Yes.

22 Q It says, The disrespectful way I've been treated by  
23 Wellpinit staff, which has affected my health and health  
24 care costs, probably for the rest of my life.

5 That, likewise, would be in reference to the way

1 Q Okay. And so let me see if I understand. In this  
2 case are you, in this lawsuit are you alleging that Ms.  
3 Magden at any point in time was abusive toward you?

4 A Yes.

5 Q Was that at some point after January 3rd, 2003?

6 A Correct.

7 Q How about before January 3rd, 2003?

8 A I learned later that she was telling people I was  
9 incompetent. But before then actually we were quite  
10 friendly. We lived together, and I just didn't feel any  
11 abuse from her at all.

12 Q Ever or was there --

13 A No, until January.

14 Q Okay. And again, I'll remind you that I'm not trying  
15 to pick on you here, it has more to do with my inability  
16 sometimes to grasp simple concepts than your ability to  
17 explain things.

18 So with that understanding, sticking with Exhibit  
19 No. 15, in that first bullet point your intent was to advise  
20 the School District that because of treatment you had  
21 experienced at Wellpinit you were experiencing health  
22 consequences?

23 A Yes.

24 Q Okay. And the treatment that you were referring to  
5 as having caused you health consequences was Mr.

1 Kristiansen's treatment?

2 A Yes.

3 Q And Reid Riedlinger's treatment of you?

4 A Yes.

5 Q And Phyllis's interaction with you as dictated by Mr.  
6 Riedlinger?

7 A And Mr. Kristiansen.

8 Q And Mr. Kristiansen's treatment of you that you said  
9 had caused you health care or health concerns had ended back  
10 in September of '02?

11 A Correct.

12 Q And the specific treatment that Mr. Riedlinger had  
13 taken or directed toward you that was in your opinion  
14 causing you health concerns was isolating you from the  
15 Wellpinit staff up in Wellpinit?

16 A Uh-huh.

17 Q Yes?

18 A Yes. Sorry.

19 Q And requiring that all communication to him or from  
20 you go through Phyllis?

21 A Yes.

22 Q And did I leave anything out there with respect to  
23 Reid's treatment?

24 A No, I think that sounds pretty good.

5 Q And so when you initially sent the August 25th, 2002



1 letter to Mr. Riedlinger clarifying the difficulties that  
2 Magne, Chris and you were having, what was your expectation  
3 or hope as to what Mr. Riedlinger would do?

4 A I assumed he and I and Magne would sit down and  
5 discuss what the problems were and resolve the issues.

6 Q Now, was Chris -- and that's Chris Schott?

7 A Uh-huh.

8 Q Yes?

9 A Yes. I'm sorry.

10 Q He was a supervisor of you as well?

11 A No, I don't think so.

12 Q And so if I understand what you're telling me  
13 correctly, when you sent the August 25th, 2002 letter to Mr.  
14 Riedlinger, your expectation was that Mr. Riedlinger would  
15 do something to ease the tension or the difficulties between  
16 you and one of your supervisors and one of your coworkers?

17 A Correct.

18 Q Okay.

19 (Exhibit 18 marked.)

20 Q (MR. McFARLAND) Looking at what we've marked as  
21 Exhibit No. 18, we may have discussed this and just not  
22 marked it as an exhibit early in your deposition. My only  
23 question to you is what is this document, if you know?

24 A Let's see, who's it to? Vocational director. Oh, I  
5 see. Yes, this was a letter that the State sent to I

1 A Yes.

2 Q And then in the next paragraph you go on to explain  
3 that your main concern is regarding moving away from  
4 Novanet?

5 A Yes.

6 Q And I assume you were being truthful with Mr.  
7 Riedlinger that your main concern as of January 14th, 2003  
8 was that the school was moving away from Novanet?

9 A Yes.

10 Q You don't in your January 14th, 2003 letter make any  
11 complaints about Phyllis's treatment of you, is that  
12 correct?

13 A Correct.

14 Q Is that because as of January 14th, 2003 in your  
15 opinion Phyllis was still treating you professionally?

16 A Yes. At that time I didn't understand all that was  
17 going on.

18 Q But from outward signs or how she was personally  
19 interacting with you, you had no complaints as of January  
20 14th, 2003 how Phyllis was treating you?

21 A I think that's correct.

22 Q Okay.

23 (Exhibit 20 marked.)

24 Q (MR. McFARLAND) Looking at what we've marked as  
25 Exhibit No. 20 to your deposition, is that a true and

1 Q Okay. And that manifested itself sometime between  
2 January 14th of '03 and February 14th of '03?

3 A That's when I really began to understand it. Up  
4 until January 14th she had made good enough excuses that I  
5 thought it was a clerical problem that was causing me not to  
6 have control of my own classroom.

7 Q And as far as I want to distinguish between what you  
8 may have found out Phyllis was doing or saying about you  
9 outside your presence with how she was personally  
10 interacting with you, okay?

11 A Correct.

12 Q As of February 4th, 2003 were her personal  
13 interactions with you still professional?

14 A Not in -- no.

15 Q Okay. So at some point between January 14th and  
16 February 4th that changed so that she was no longer acting  
17 in your opinion professionally toward you?

18 A Right. That's when I understood that what she was  
19 doing was purposeful.

20 Q Okay. And in what manner did Ms. Magden start acting  
21 in your opinion unprofessional toward you at some point  
22 after January 14th of '03?

23 A When she ordered me to work constantly, six hours a  
24 day, on typing transcripts. When she came and ordered me to  
5 make copies for her and do chores for her and treated me

1 more like an aide.

2 Q Did she treat you more like an aide in the  
3 assignments that you were being given or in the way she gave  
4 you those assignments? Do you see what I'm saying?

5 A It was both.

6 Q Okay. And so her demeanor, for example, or how she'd  
7 say things to you changed at some point after January 14th?

8 A She became aloof, she lost her sense of humor, she  
9 was dictatorial.

10 Q Okay. And was she demeaning to you in what she said  
11 during this time period, January 14th to February 4th?

12 A Not in what she said to my face.

13 Q Okay. And taking aside your belief that the tasks  
14 you were assigned were belittling, was she in any other  
15 manner belittling to you in your presence?

16 A Yes. If you understand, I was the certified teacher  
17 in that classroom. And the things that she ordered me to do  
18 and the way she ordered me to act was not the way a  
19 certified teacher should act. The way she gave me orders in  
20 front of the students, and they knew it wasn't, it wasn't  
21 right. And so the way she was -- anyway, the way she  
22 handled it was belittling and degrading, yes.

23 Q Unfriendly?

24 A Unfriendly, yes.

5 Q Okay. And correct me if I'm wrong, okay, what I

1 understand you to be saying to me is that it wasn't so much  
2 what Ms. Magden was saying that was belittling as it was the  
3 manner in which she was saying things to you?

4 A And the location.

5 Q Okay. That being in front of students?

6 A In front of students and other staff, yes.

7 Q Okay. Is there any reason in particular you did not  
8 express to Mr. Riedlinger in your February 4th, 2003 letter  
9 that you believed you had been relegated to the position of  
10 an aide of Ms. Magden?

11 A I had already discussed those other issues. And my  
12 primary charge, like I said earlier, was to make sure that  
13 illegal things weren't happening. So this mainly discusses  
14 things that are illegal and things that are in the purview  
15 of my still leadership position there at Fort Simcoe. And  
16 that was my duty to report those things to him.

17 Q Between January 14th of '03 and February 4th of '03,  
18 did you communicate to Mr. Riedlinger that you believed that  
19 Ms. Magden had started or had become belittling or demeaning  
20 toward you?

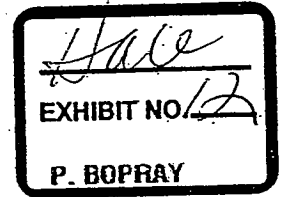
21 A He had made it clear he wanted no gripe letters, he  
22 didn't want griping. So no, I didn't gripe about those  
23 things directly to him.

24 Q Did you complain to somebody that Ms. Magden had, in  
5 your opinion, become belittling or demeaning of you?

EXHIBIT 6

August 25, 2002

Reid Riedlinger  
PO Box 390  
Wellpinit, WA 99040



Dear Reid:

This letter is written to clarify the difficulties Magne, Chris and I are having. Magne is my supervisor, and I know I am supposed to accept whatever behavior he exhibits, but the situation is getting very difficult for me.

My comfort zone in computers is with Microsoft Products. I have no experience working with Novell servers, but they can't be much different than other servers I have worked with. All I need is a little practice and education in the Novell server, and I will know what I am doing. For some reason, Magne has given minimal information about the Novell software. In fact, he and Chris go out of their way to make sure I don't know or see what they are doing, so I will be absolutely dependent on them. How can this site ever become self-sufficient with this attitude?

At the same time, Magne has been arrogant and disrespectful to me throughout the last six months. He blames me for most of the classroom computer problems saying they occur because I am there. He seems to wait for any misstatement, just to have a chance to say or imply that I am stupid or ignorant. He takes every suggestion I make as an insult and belittles and insults me, as if it brings pleasure for him. In the last few weeks, insults have increased to almost every phone call. He even called me a "liar," which elicited a lot of anger in me.

His attacks, almost always over the phone so no one else can hear, have begun to bother me physically, in that I become nauseated when I talk to him. My stomach aches for hours after phone conversations, and after the worst calls, I have trouble sleeping. His abuse seems to be intended to get me to quit my position, but I am very excited about our project and really want this high school to be successful.

The confrontation in front of the Alliance group was unfortunate, because my ethical standards would not let me discuss the abuse in a group situation. I feel I suffered more degradation, because of his remarks there.

I am making a appointment with the doctor to get something for the nausea and pain, but it takes a long time to get an appointment. Therefore, I am asking that you talk with me about the problems when you visit this week. I believe a respectful meeting could be set up to resolve the issues, and we can talk about that.

Thank you for listening.

Sincerely,

John

EXHIBIT 7



John Hale  
PO Box 678  
White Swan, WA 98952  
Business Technology Classroom Phone (509) 874-2244 Ext. 260  
[robbinnmolly@aol.com](mailto:robbinnmolly@aol.com)

---

January 3, 2003

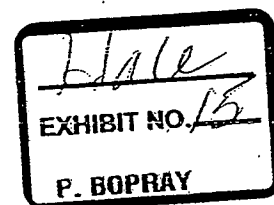
Eugene Payne  
School Board, Position 1  
Wellpinit School District # 49  
HCR 1, Box 324  
Wellpinit, WA 99040

Monty Ford Sr.  
School Board, Position 4  
Wellpinit School District # 49  
PO Box 287  
Wellpinit, WA 99040

Derek Wynne  
School Board, Position 2  
Wellpinit School District # 49  
PO Box 82  
Wellpinit, WA 99040

Mike Seyler  
School Board, Position 5  
Wellpinit School District # 49  
PO Box 303  
Wellpinit, WA 99040

Jami Peone, Chairman  
School Board, Position 3  
Wellpinit School District # 49  
PO Box 277  
Wellpinit, WA 99040



Dear Board Members:

I am writing this letter to you, because Mr. Riedlinger has not responded to my previous efforts to discuss what I think is abusive treatment by Wellpinit staff and working conditions that have resulted in severe medical problems for me. In addition, I am concerned about the treatment of Wellpinit Alliance High School students, and the disrespect shown to Fort Simcoe Job Corps.

In order to fully understand the current conditions at Fort Simcoe, without me going into great detail in this letter, I am requesting that the Board send someone with the authority necessary to investigate and assess the following:

- The disrespectful way I have been treated by Wellpinit staff, which has affected my health and health care costs, probably for the rest of my life. (See enclosed letter from Dr. Robert Wigert, my attending physician);
- The lack of documentation about students that have been expelled and forced out of the high school program;
- The lack of effective discipline policies and procedures;
- The lack of transcripts for students no longer in the high school;

- The communication and decision making policies in relation to the Alliance program;
- The uncooperative attitude toward the established Fort Simcoe Job Corps procedures designed to maximize student achievement and development;
- The facts regarding the graduation of Rosalie Ortega;
- The facts regarding the forced expulsion of Lolita Lopez;
- The discrimination complaint initiated by Tyree Williams and his subsequent treatment;
- The lack of support for the Wellpinit Alliance Business Technology class; and
- The salary guidelines for vocational instructors.

I am also requesting that the Board adopt standards in regard to:

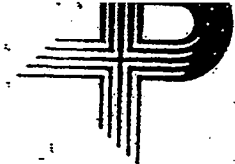
- Minimum standards for students to earn a high school credit;
- Procedures for expelling or removing students from the high school program;
- Timely and effective surveys from students and staff about the effectiveness of the instructors and effectiveness of the Wellpinit Alliance program; and
- Qualifications for management personnel.

I am sorry I have been forced to take this step, but I believe Wellpinit School District risks losing its good reputation due to the current situation.

Respectfully,

John Hale

CC: Roger "Reid" Riedlinger  
Enclosure



Physicians Clinic  
of Spokane

Internal Medicine

Endocrinology

Gastroenterology

Infectious Disease

Pulmonary

Rheumatology

Nephrology

December 20, 2002

RE: John L. Hale

DOB: 07/21/1946

To Whom It May Concern:

Mr. John Hale is a patient that I saw in April of 2002 for the first time. He is a 56-year-old gentleman that suffers from anxiety disorder and depression.

When I first saw Mr. Hale in April, he seemed to be fairly stable on his regimen of Zoloft and BuSpar. Subsequent to that time he has had increasing problems with depression and anxiety and I have had to add another medication, Wellbutrin, with increasing doses.

At this point John feels the major stress in his life is job related. He attributes this to difficulties with his direct supervisor, who he feels treats him in a very unprofessional manner. When his anxiety attacks become prominent he has physical symptoms of chest pain and nausea.

Sincerely,

Robert D. Wigert, M.D.

RDW/pdm

EXHIBIT 8

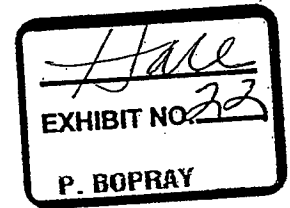
*Home Address*  
John and Robbin Hale  
2818 S. Tekoa  
Spokane, WA 99203  
(509) 624-7548

*Work Address*  
John and Robbin Hale  
PO Box 678  
White Swan, WA 98952  
(509) 874-2244 Ext. 260

February 23, 2003

Reid Riedlinger  
Superintendent  
Wellpinit School District #49  
PO Box 390  
Wellpinit, WA 99040

Gil Calac  
Center Director  
Fort Simcoe Job Corps  
40 Abella Lane  
White Swan, WA 98952



Dear Mr. Riedlinger and Mr. Calac:

Attached is a letter from Dr. Wigert, my primary care physician. As he has indicated, the working conditions at Wellpinit Alliance High School have become so unprofessional and unfair to me and the students, that I am forced to resign in order to protect myself from further disability. Robbin, who's doctor also recommended that she seek other employment for health reasons, will be terminating with me, primarily because I will be moving back to our home in Spokane, and as a newly-wed, she wants to live with her spouse. We have determined that March 20<sup>th</sup> will be the last day under your employment.

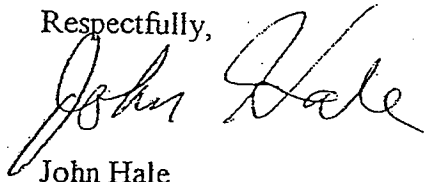
Since our letter, to the School Board in early January, nothing has changed. Ms. Magden continues to slander me to the extent that staff members on Center have increasingly been coming to me about her behavior. For the last 2 ½ weeks, following Ms. Magden's instructions, our students have watched movies. There is no accountability for Ms. Magden's and Mr. Kristiansen's unprofessional behavior, and many students are suffering irreparable harm. I do not know how Wellpinit School District expects to have the State pay for full time FTEs, when so much time is spent watching movies and the State-approved curriculum is unavailable.

Gil, even with many Wellpinit and Job Corps obstacles, we have a student, Jason Scott, who has passed the Microsoft MOUS certification test. As I have explained, those who did not pass, qualify for a second, free try at the test. That is now scheduled for March 14<sup>th</sup>, per an agreement among the students and me. I pray that more will pass, and I will have the opportunity to award them their certificates at the Monday meeting, March 17<sup>th</sup>.

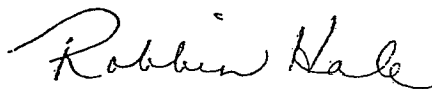
As far as the high school program, I am nothing but Ms. Magden's secretary. My room is full of students; however, I work full-time on administrative details. My life's passion has been business and organizational management, and you both know I am working for my Doctorate in that discipline. I am sure you can understand how frustrating it is to be dominated by such an unqualified and incompetent principal. The Job Corps staff can see it, and I am grateful for their expressions of concern and compassion.

Finally, we want Gil and the Fort Simcoe Job Corps staff to know how welcoming and helpful their support has been. Although one person has shown a lack of professionalism and inability to get the business classroom serviceable for business students, everyone else has done the best they can. We will treasure our new friends we have found here, and we are especially pleased with our increased education about the Native American culture and beliefs. We offer our support and prayers for the success of your students and would welcome any offer to let us be a part of your melding into this new world of technology.

Respectfully,



John Hale



Robbin Hale

Enclosure

pc: School Board Members:  
Jami Peone, Chairman  
Eugene Payne  
Derek Wynne  
Monty Ford, Sr.  
Mike Seyler

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

JOHN L. HALE and ROBBIN HALE,  
husband and wife,  
Plaintiffs,

vs.

NO. CV-04-0189-JLQ  
VOLUME IV

PHYLLIS MAGDEN, in her individual  
and official capacities; REID  
RIEDLINGER, in his individual and  
official capacities; and WELLPINIT  
SCHOOL DISTRICT NO. 49, a Municipal  
corporation,  
Defendants.

CONTINUED DEPOSITION OF JOHN HALE

Continued deposition upon oral examination of JOHN HALE,  
taken at the request of the Defendants, before Deborah G.  
Peck, Certified Shorthand Reporter/Notary Public, CCR No.  
2229, at the law offices of Evans, Craven & Lackie, 818 West  
Riverside, Suite 250, Spokane, Washington, commencing at or  
about 9:30 a.m. on October 25, 2006, pursuant to the Federal  
Rules of Civil Procedure.

APPEARANCES:

FOR THE PLAINTIFFS: PAUL J. BURNS

FOR THE DEFENDANTS: MICHAEL E. McFARLAND, JR.

ALSO PRESENT: Robbin Hale  
Mark Louvier, Law Student



1 me.

2 Q You have no memory whatsoever of Ickworth?

3 A Not of Ickworth.

4 Q Was there a school district that you were employed  
5 with after Wellpinit?

6 A Was there a school district after? Yes, I worked  
7 half a day for I guess it's Worley School District.

8 Q Plummer-Worley?

9 A Yeah, Plummer-Worley, yeah.

10 Q How did that come to be?

11 A I applied for a job and they hired me as a  
12 substitute.

13 Q So the one half day was a substitute position?

14 A Right.

15 Q Did you ever get called back for any other substitute  
16 positions at Worley?

17 A No.

18 Q What job did you apply for at Worley?

19 A Whatever teaching position I could get.

20 Q Was there a specific teaching position that you  
21 applied for or did you send in your application to Plummer-  
22 Worley just for any --

23 A Just for teaching.

24 Q After leaving Wellpinit School District, did you  
25 submit an application to any other school districts?

1 A I think lots of them.

2 Q Do you have any type of list of the school districts  
3 to whom you submitted application?

4 A We'd have to look in my -- I don't think you included  
5 it, the list of all the jobs I applied for that I had to  
6 keep a log of for --

7 Q For unemployment purposes?

8 A Right. And it's in all of that.

9 Q All right. So am I correct that after leaving the  
10 Wellpinit School District you believed that you could or  
11 that you were employable in other school districts?

12 A Right.

13 Q All right. Going back to Exhibit 1, if you'd turn to  
14 page 3. At the top of the page there is an employer  
15 identified as SR Acquisition Corp. Do you see that?

16 A Yes.

17 Q Who is that or what do they do?

18 A I'm assuming it was a temp agency.

19 Q Do you know what business or employer SR Acquisition  
20 Corp assigned you to?

21 A 1998, it might have been as an administrative  
22 assistant at a legal firm, but I'm not sure.

23 Q Okay. If you continue on down page 3 of Exhibit 1,  
24 it appears that you worked in 1998 for  
25 Affiliates/Accountemps. Do you see that?

1 A It sure looks like it.

2 Q Okay. On page 18, that's your signature?

3 A Yes.

4 Q And it appears that you signed page 18 of Exhibit 1  
5 on March 3rd of 2003?

6 A That's what it says, yes.

7 Q Okay. And this was a document you filled out for the  
8 Employment Security Department, is that correct?

9 A Yes.

10 Q Looking back on page 16, question number 2 states,  
11 What was the main reason you quit? Do you see that?

12 A Yes.

13 Q And you wrote, Physician and I agreed I had to leave,  
14 unreasonable and unhealthy working conditions. Do you see  
15 that?

16 A Yes.

17 Q And that's in relation to Wellpinit School District?

18 A Yes.

19 Q And the unreasonable and unhealthy working conditions  
20 was the treatment that you were receiving from your  
21 supervisors at Wellpinit, is that correct?

22 A Yes.

23 Q All right. Turning to the next page, if you look  
24 down, sir, towards the bottom of the page there's Part C,  
25 question 2. Do you see that?

1 A Yes.

2 Q And it says, Did you leave work because of  
3 personal/family illness? And you checked yes. Do you see  
4 that?

5 A Yes.

6 Q And (b) it says, If you quit because of personal  
7 illness, what type of work are you able to do now? Do you  
8 see that?

9 A Yes.

10 Q And you put, Anything with reasonable management.  
11 Correct?

12 A Yes.

13 Q And you put that because it was your belief at the  
14 time that the management at Wellpinit was not reasonable?

15 A That's true.

16 Q And specifically the management you believed was  
17 abusive or hostile toward you?

18 A Yes.

19 Q Okay. And so kind of following up on one of my  
20 earlier questions, why you felt you could work for another  
21 school district after leaving Wellpinit is because of the  
22 hope that those school districts would have reasonable  
23 management?

24 A Yeah. Actually, there were two things in that, one  
5 was that I was going to get better when I left Wellpinit, my

1 health would get better; the second thing is as long as  
2 there was reasonable management I thought it would work out.

3 Q Okay. And you thought your health would get better  
4 because you wouldn't have to work under what you considered  
5 to be unreasonable management?

6 A Correct.

7 Q Now if you turn to page 18. Do you see question (g)  
8 there?

9 A Yes.

10 Q It says, Prior to leaving did ask you to be rehired?  
11 You put no, correct?

12 A Correct.

13 Q And you put no because the, quote, unprofessional  
14 supervisors would remain. Is that right?

15 MR. BURNS: Are you asking him did he put that,  
16 is that the question?

17 Q (MR. McFARLAND) Is that what you wrote?

18 A Yeah, I did.

19 Q And the unprofessional supervisors you were referring  
20 to were Reid Riedlinger, is that right?

21 MR. BURNS: Listen to the question that he's  
22 asked, please.

23 A Yes. Reid Riedlinger, yes.

24 Q (MR. McFARLAND) And Magne Kristiansen?

5 A Yes.

1 Q And Phyllis Magden?

2 A Yes.

3 Q Were you referring to anyone other than those three  
4 when you were referring to the unprofessional supervisors  
5 that would remain?

6 A No.

7 Q If you look at page 17, I'm not trying to confuse  
8 you, but go back a couple pages. Question 4 right at the  
9 top asks, Did you try to have the conditions fixed before  
10 you quit? And you put yes. Do you see that?

11 A Yes.

12 Q And then you wrote, Attached titled "Efforts to  
13 Improve Working Conditions." Do you see that?

14 A Yes.

15 Q If you look now at page 20 of Exhibit 1.

16 A Okay.

17 Q Is that the document you were referring to on page 17  
18 when you identified the attached titled "Efforts to Improve  
19 Working Conditions"?

20 A Yes.

21 Q And pages 20 through, 20 through 28 of Exhibit 1 you  
22 wrote, is that correct?

23 A The last page was 28?

24 Q Yes.

25 A And page 9 of 9 on the document? Yes.

1 THE WITNESS: Right.

2 Q (MR. McFARLAND) Is what I just read on page 24 part  
3 of the intolerable conditions that you believed that you  
4 experienced at Wellpinit?

5 MR. BURNS: Same objection.

6 Go ahead and answer the best you can.

7 A My symptoms weren't intolerable, the hostility that  
8 Mr. Kristiansen approached me with was what was intolerable.

9 Q (MR. McFARLAND) Okay. The intolerable conditions  
10 were the treatment by Mr. Kristiansen?

11 A Correct.

12 Q The treatment by Mr. Riedlinger?

13 A Yes.

14 Q And the treatment by Ms. Magden?

15 A Correct.

16 Q Were there other intolerable conditions which you  
17 experienced at Wellpinit?

18 A No.

19 MR. BURNS: You know, just for the record, Mick,  
20 to the extent that you question him regarding working  
21 conditions and the effect of those working conditions on his  
22 health, you're plodding ground that has been thoroughly  
23 explored in several prior sessions of this deposition.

24 And so, you know, up to a point I'll put up with  
5 that. But if you're going to continue that, I'm just going

1 says, Although I am very sick, we know I can work. Do you  
2 see that?

3 A No. Say where it is.

4 Q No problem.

5 MR. BURNS: Right here (indicating).

6 THE WITNESS: Oh, okay.

7 Q (MR. McFARLAND) Do you see where I just read from?

8 A Correct.

9 Q And again, the we know I can work was in reference to  
10 working anywhere but Wellpinit School District, is that  
11 right?

12 A Right, as long as my health got better, yeah.

13 Q Okay. Now, if you go down under the section entitled  
14 The School Issues, the last sentence of the second paragraph  
15 says, We have written the Office of Superintendent of Public  
16 Instruction for the state of Washington with these  
17 questions, but that has been almost two weeks and we have  
18 received no reply. Do you see that?

19 A Yes.

20 Q Do you still have copies of the letter or letters  
21 that you sent to OSPI?

22 A I don't think so.

23 Q Do you know if that letter or those letters have been  
24 produced as part of discovery in this case?

5 A I don't think so. I just don't think so.



1 Q Was that the conversation you had with him in his  
2 Hummer or his Humvee?

3 A No, this was in the summer. This was -- we met  
4 frequently on Sundays when we were back in Spokane.

5 Q And I don't want to go into all the details because  
6 I'm sure I have covered that. But was the gist of what you  
7 were asking Mr. Riedlinger for verbally that you wanted to  
8 be treated fairly and not in a hostile manner by your  
9 supervisors?

10 A Not exactly. What it was was that I told him I was  
11 being treated abusively by Mr. Kristiansen and that I wanted  
12 to do communication through a group thing called Alliance  
13 group. Because the abuse was taking place when nobody else  
14 would know. And so if things were in the sunshine and  
15 people could see what was going on, he would have to quit.

16 Q Quit treating you the way you felt he was treating  
17 you?

18 A Yeah, he couldn't be abusive in front of everybody.

19 Q Okay. The Alliance group that you're talking about  
20 requesting, is that basically a way of saying you wanted all  
21 communication between you and Mr. Kristiansen to be in  
22 writing?

23 A No, this was for e-mail.

24 Q Okay. So you wanted the communication between you  
5 and Mr. Kristiansen to be in e-mail form?

1 Q Is that your signature on page 57 of Exhibit 1?

2 A Yes.

3 Q And that's a document that you completed that  
4 actually starts on page 52 entitled, Student Eligibility  
5 Questionnaire?

6 A Student Eligibility Questionnaire, yes.

7 Q Okay. And you signed this on March 7th of 2003, is  
8 that right?

9 A 03-07-03, that's what it says.

10 Q All right. Now, if you'd look at page 56.

11 A Fifty-six.

12 Q Do you see question 8 where it says, Do you have any  
13 injuries, illnesses, or other conditions that prevent you  
14 from returning to your main occupation? And you checked no?

15 A Correct.

16 Q And your main occupation at that time was working in  
17 a school district?

18 MR. BURNS: Object to the form.

19 Go ahead, do the best you can.

20 A Yes, I think so.

21 Q (MR. McFARLAND) Can you turn to page 66 of Exhibit  
22 1. And if you need time to look at this, please feel free  
23 to do so. But this is a letter on page 66 and 67 of Exhibit  
24 1 that you signed and submitted to the Employment Security  
Department related to unemployment you sought after your

1 Q Okay. And that's the St. Regis University that's  
2 currently under criminal indictment, is that correct?

3 A Correct.

4 Q And under criminal indictment as for, quote-unquote,  
5 diploma mill?

6 A Correct.

7 Q All right.

8 (Exhibit 4 marked.)

9 Q (MR. MCFARLAND) Looking at what has been marked as  
10 Exhibit No. 4 to your deposition, is that a document that  
11 you completed?

12 A It looks like my writing.

13 Q All right. And is that your signature on the last  
14 page of Exhibit 4?

15 A Yes.

16 Q And you signed this document on June 18th of 2004?

17 A Correct.

18 Q If you look at the fourth page of this document, do  
19 you see question 21?

20 A Yes.

21 Q It says, Have you had any problems getting along with  
22 bosses, police, teachers, landlords, or other people in  
23 authority? Do you see that?

24 A Yes.

25 Q And you wrote yes?

1 A Yes.

2 Q Or you circled yes, correct?

3 A Yes.

4 Q And when asked to explain, you wrote, I have to stay  
5 away from most people. Authority figure make me sick very  
6 quickly. Is that what you wrote?

7 A Correct.

8 (Exhibit 5 marked.)

9 Q (MR. McFARLAND) Mr. Hale, if you could look at  
10 Exhibit 5 and tell me whether that is a document that you  
11 created. Did I say created? I meant completed.

12 A I completed it, not all of it, but yes.

13 Q What portion of this did you not complete?

14 A Where it says Hospital/Clinic, that's not my writing.

15 Q What page is that on?

16 A Page 6. I don't think it's my writing.

17 MR. BURNS: Off the record.

18 (Off the record.)

19 Q (MR. McFARLAND) When you were referring to page 6,  
20 you were referring to where it says page 6 in the lower  
21 right-hand corner?

22 A Yes.

23 Q Because the pagination is out of order.

24 A I see.

25 Q Is there anything, any other writing in Exhibit 5

1 that you think might not be yours?

2 A No, the rest looks like mine.

3 Q And if you look at page 10, which is actually it  
4 looks like six pages into the exhibit.

5 A Yes.

6 Q Is that your signature on that?

7 MR. BURNS: I don't see a signature.

8 A No, it's printed.

9 Q (MR. McFARLAND) Did you print your name on there?

10 A Yes.

11 Q And you completed this form on May 17th of 2004?

12 A Yes.

13 Q And the purpose of this was to submit to Social  
14 Security Administration?

15 A Yes.

16 Q All right. If you look at page 9, do you see where  
17 it says, I get sick when I talk about business or  
18 employment?

19 A Yes.

20 Q It goes on to say, losing control to employer is  
21 essentially sickening. Do you see that?

22 A It says especially sickening.

23 Q Oh, is especially sickening, okay. You wrote that?

24 A Yes.

25 Q And what did you mean by that?

1       A       Whenever I get close to being employed I get very  
2 sick.

3       Q       What did you mean when you said losing control to  
4 employer?

5               MR. BURNS: I think he just answered that.

6               But go ahead.

7       A       It's difficult to explain with an anxiety disorder.  
8 Because whenever I'm going to get, I think I might get  
9 employed, I get very sick. And I don't know quite how to  
10 explain why I get very sick. But I think it has to do with  
11 people being able to control you.

12       Q       (MR. McFARLAND) Okay. And if you look three lines  
13 down from where I just read, you wrote, I can work for  
14 myself. Do you see that?

15       A       Yes.

16       Q       Is what you're trying to communicate there is that  
17 working for someone else is what causes you your anxiety and  
18 makes you sick?

19       A       It's one of the things, yes.

20       Q       Okay. But you believe that if you could work for  
21 yourself that you could work? At least that's what you  
22 thought in May of 2004?

23       A       Yes.

24       Q       So when you're referring to losing control to  
25 employer, are you referring to having to answer to someone

1 else?

2 A Not entirely. I have trouble really just interacting  
3 with people. It's not just authority, but a situation like  
4 this is very stressful to me.

5 Q In 2004 did you have difficulty interacting with  
6 subordinates in the workplace or what made you especially  
7 sick having to deal with supervisors?

8 MR. BURNS: Object to the form.

9 A Well, I wasn't employed in 2004. I had trouble in  
10 social situations of any kind.

11 Q (MR. MCFARLAND) Okay. And I'm asking this more  
12 confusing than it probably needs to be... So let me back up  
13 and try again and see if I can get it right. When you said  
14 you could work for yourself --

15 A Correct.

16 Q -- was the reason you believed you could work for  
17 yourself because you didn't have to answer to anyone?

18 A Actually, I think what I should have written there  
19 was I can work by myself when nobody else is around.  
20 Whether I have to answer to people or not, when I'm around  
21 people a lot I get sick.

22 Q When you were at the Wellpinit School District did  
23 you have any interaction difficulties with anyone who was  
24 not a supervisor of yours?

25 A No.

Q If you continue on down that page there's a paragraph that begins, I got sick from employer abuse. Do you see that?

A Yes.

Q And again, you're referring to the abuse that you believe you experienced from your supervisors at Wellpinit School District?

A Yeah.

Q If Magne Kristiansen, Phyllis Magden and Reid Riedlinger weren't your supervisors at Wellpinit, is there anything else about the Wellpinit School District that would have made it impossible for you to continue working there?

MR. BURNS: Object to the form.

A I don't think so.

(Exhibit 6 marked.)

Q (MR. MCFARLAND) Looking at what we've marked as Exhibit 6 to your deposition. Is that a document that you created?

A Are you speaking of just the first page?

Q Well, let's start with the first page, yes.

A Because that looks like a letter that I wrote, yes.

Q Okay. The second page is entitled Homework Sheet. And is the writing on that page yours?

A Yes.

Q And then I recognize that the third, fourth and fifth



EXHIBIT 10

STATE OF WASHINGTON  
EMPLOYMENT SECURITY DEPARTMENT  
CLAIMANT'S VOLUNTARY QUIT STATEMENT  
04/01/2003

790  
JOHN L HALE  
2818 S TEKOA ST  
SPOKANE WA 99203-2550

Employer Name and Address:  
WELLPINIT SCH DIST 49  
UNEMPLOYMENT COOPERATIVE  
EDUC SVC DIST 101  
KIRKLAND WA 98083-9794

SSN: 533 42 2403 6 790 BYE: 03/27/2004

Please complete this form about your voluntary quit from work.  
This information is needed to make a decision on your unemployment  
claim. No decision will be made until you file a weekly claim.

The employer's business phone number is (509) 258-4535  
My location of work was FORT SIMCOE, WHITE SWAN, WA  
I started work on FEB 11, 2002  
I quit on MARCH 20, 2003  
The last day I was paid for was MARCH 31, 2003  
I earned \$ 2208.33 per MO for 12 months per week year

1. When did you decide to quit? WHEN DOCTOR ADVISED ME TO QUIT
2. What was the main reason you quit? (Please give all the facts related to your decision) PHYSICIAN AND I AGREED I HAD TO LEAVE UNREASONABLE AND UNHEALTHY WORKING CONDITIONS
3. Did you tell your employer you were quitting? YES ☒ NO ☐
  - a. If YES, what was the date you gave notice. FEB 23, 2003
  - b. Who did you tell you were quitting? Name SUPERINTENDENT RIEDLINGER  
Title AND PTA SCHOOL BOARD
  - c. What reason did you give your employer? LEAVING BECAUSE OF UNREASONABLE & UNHEALTHY WORKING CONDITIONS

PART A - Working Conditions

1. Did you quit because of working conditions? YES ☒ NO ☐  
(If NO, go to part B)
2. Were you aware of these conditions when you were hired?  
YES ☐ NO ☒
3. If your working conditions changed since you were hired, what were the changes? WORKING CONDITIONS GOT WORSE

## Claimant's Voluntary Quit Statement

4. Did you try to have the conditions fixed before you quit?

YES ☒ NO ☐

If YES, what happened?

ATTACHED TITLED

"EFFORTS TO IMPROVE WORKING CONDITIONS"

5. Are you a union member? YES ☐ NO ☒

If YES, did you contact your union?

YES ☐ What happened? \_\_\_\_\_

NO ☐ Why not? \_\_\_\_\_

**PART B- New Job Offer**

1. Did you quit because you were hired for a new job?

YES ☐ NO ☒ (If NO, go to PART C)

2. What date was the new job offered to you? \_\_\_\_\_

3. What date were you supposed to start work? \_\_\_\_\_

4. What rate of pay were you promised? \_\_\_\_\_

5. What kind of work were you going to do? \_\_\_\_\_

6. Where were you going to work?

Business name \_\_\_\_\_

Mailing address \_\_\_\_\_

Telephone number (\_\_\_\_) \_\_\_\_\_

Who offered you the job?

Name \_\_\_\_\_

Title \_\_\_\_\_

8. Why didn't you go to work? \_\_\_\_\_

**PART C - Personal Reasons**

1. Did you leave work because of your spouse's job? YES ☐ NO ☒

a. Location of spouse's new job? \_\_\_\_\_

b. Date job started? \_\_\_\_\_

c. Name and address of your spouse's employer \_\_\_\_\_

2. Did you leave work because of personal/family illness?

YES ☒ NO ☐

a. Was your decision to leave based on the advice of your doctor? YES ☒ NO ☐

b. If you quit because of personal illness, what type of work are you able to do now? ANYTHING WITH REASONABLE MANAGEMENT

c. Prior to leaving did you tell your employer about any restrictions or conditions which affected your ability to perform your job? YES ☒ NO ☐

d. If you quit because of illness of a member of your family, what is the relationship of this person to you? \_\_\_\_\_

\_\_\_\_\_ does this person live in your home? YES ☐ NO ☐

## Claimant's Voluntary Quit Statement

- e. Prior to leaving did you ask for a leave of absence?

YES ☐ NO ☒

If YES, what was the result?

If NO, why not? I WAS TOO SICK & THERE WAS NO EFFORT TO CHANGE

- f. Prior to leaving did you ask for a transfer? YES ☐ NO ☒

If YES, what was the result?

- g. Prior to leaving did you ask to be rehired? YES ☐ NO ☒

If YES, what was the result?

If NO, why not? UNPROFESSIONAL ~~MAN~~ SUPERVISORS WOULD REMAIN

PART D - Other

Please tell us other facts or details that explain why you quit your job:

SEE ATTACHED ADDENDUM

This information is needed to make a decision on your unemployment claim. After receiving your response, if we need additional information we will contact you by phone.

You have the right to an interview by telephone or in person before a decision is made. If you want an interview, contact the TeleCenter. You may have any person, including an attorney, represent you at the interview. You may present evidence, documents, or witnesses; cross-examine witnesses or parties present; and ask for copies of all records or documents on the issue.

I have read and understand my rights. I made this statement to get unemployment benefits. The information I provided is true to the best of my knowledge. I understand that my employer may be contacted.

Your signature

Your telephone number

DATE

John F. Hale

(509) 624-7548

3/3/03

EXHIBIT 11

DIVISION OF DISABILITY DETERMINATION SERVICES

1330 N WASHINGTON #2080

SPOKANE, WA 99201-2341

509-329-2562 or 1-800-572-5299

Fax: 509-329-3793 or 1-800-918-9939

TTY: 509-329-3822 (TTY)

CASE#: 3005651

20040615600262



CLAIMANT'S NAME: JOHN L HALE

ACTIVITIES OF DAILY LIVING AND SOCIALIZATION  
SINCE YOUR DISABILITY BEGAN

PLEASE COMPLETE THIS QUESTIONNAIRE TO THE BEST OF YOUR ABILITY AS IT APPLIES TO YOUR CONDITION. The answers to these questions will help us to find out if you are disabled within the meaning of the law. Please explain your answers by giving us detailed examples. If you need more room, you may use more sheets of paper. Be sure to sign and date this form at the end in the spaces provided.

1. Where do you now live? (Circle one. If you circle other, explain.)

HOUSE APARTMENT BOARDING HOME NURSING HOME GROUP HOME SHELTER OTHER

With whom do you live? (Circle one. If you circle other, explain.)

ALONE WITH FAMILY WITH FRIENDS BOARD & CARE OTHER

2. Do you need special help or reminders to take care of your personal needs and grooming? YES NO

If YES, what kind of help are you given and how often?  
(For example, help with bathing, dressing, taking medicine, etc.)

3. How many hours do you sleep? 6-8 WITH MEDICATION

Do you require rest periods during the day? YES NO  
If YES, please describe.

4. Do you experience memory problems? YES NO

If YES, give examples of things you forget.

*I FORGET WHAT I AM TALKING ABOUT. I FIND MYSELF IN A ROOM, BUT DON'T KNOW WHY. ANXIETY MAKES MY MIND GO FAST & I DON'T HEAR PARTS OF CONVERSATION.*

Give examples of how you deal with your memory problems.

*I APOLOGIZE FOR FORGETTING. I HAVE TO WARN PEOPLE ABOUT ANXIETY PROBLEMS.*

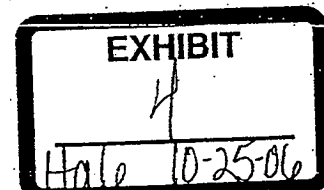
D0420 SPOCLM/spoclm ADL-M

1.

RECEIVED

JUN 28 2004

DDDS SPOKANE



5. Can you follow spoken or written instructions? ☒ YES ☐ NO  
If NO, explain.

6. Do you have problems paying attention? ☒ YES ☐ NO  
If YES, explain.

MY MIND THINKS OF OTHER THINGS.

7. Can you finish what you start? ☒ YES ☐ NO  
If NO, explain.

8. Do you prepare your own meals? ☒ YES ☐ NO

If YES, please describe how or what type of meals you prepare.

I MAKE FRUITS AND FLAXSEED FOR BREAKFAST

I CAN COOK MEAT

I MAKE SALAD FOR DINNER

9. Do you do the housework where you live? ☒ YES ☐ NO

If YES, what type of housework do you do? (For example, dusting, sweeping, vacuuming, etc.)

I CLEAN BATHROOMS & DO DISHES

I CLEAN K1

How often do you do these housekeeping chores and/or do you need assistance in doing them?

WIFE IS ABLE TO WORK, SO I HAVE TO DO A LOT OF THE HOUSEWORK, SHE DOES BENDING & LIFTING WORK.

10. Who handles the money for your household?

WIFE AND I

If it is YOU, list the responsibilities. (For example, paying utilities, rent, other bills, etc.)

WIFE PAYS ALL BILLS. I JUST KNOW WHAT SHE DOES.

11. Do you do ANY shopping? ☒ YES ☐ NO

Describe the kind of shopping you do and how often.

GROCERIES ONCE OR TWICE PER WEEK. SHOPPING IS EASY WHEN THERE IS A CART TO LEAN ON.

If you require assistance, describe the help you receive.

12. Do you read? ☒ YES ☐ NO

Do you require large print to read? YES ☒ NO

Do you watch TV? ☒ YES ☐ NO

If YES to either of these, how often and for how long?

TV 3 HOURS IN EVENING

13. Do you use a hearing aide to hear normal conversation or to hear on the telephone? YES ☒ NO

14. Do you have any hobbies or interests? ☒ YES ☐ NO

If YES, what kind(s) of hobbies or interests do you have?

(For example, sewing, going to movies, woodworking, playing

sports, watching TV.) RENTING MOVIES, LEARNING MEDITATION,

WATCH TV WHEN IT HOLDS MY INTEREST

How much time do you spend in these activities and how often?

15 HRS/WEEK

15. Do you spend time with others in person or talking on the telephone? YES ☒ NO

JUST CLOSE FRIENDS & FAMILY

If YES, describe the kinds of activities you do with them and how often.

TALK ABOUT SICKNESS OR IMPROVEMENT.

16. When you go out, how do you travel? (circle all that apply)

WALK

☒ DRIVE

RIDE IN A CAR

RIDE A BICYCLE

TAKE PUBLIC TRANSPORTATION

OTHER

17. Can you go out alone? ☒ YES ☐ NO

If NO, please explain.



18. Do you have a driver's license? ☒ YES ☐ NO

19. Do you participate in clubs or other social activities? ☒ YES ☐ NO

If YES, describe the activities you go to, how often you do these activities and how you get along with others.

CHURCH WITH VALIUM BEFORE MEETINGS OR WORSHIP.

20. Have you recently or are you currently in school or training? ☒ YES ☐ NO

21. Have you had any problems getting along with bosses, police, teachers, landlords, or other people in authority? ☒ YES ☐ NO

If YES, explain.

I HAVE TO STAY AWAY FROM MOST PEOPLE. AUTHORITY FIGURE MAKE ME SICK VERY QUICKLY. I HAVE TO LIMIT BUSINESS CONTACTS TO ONE HOUR PER DAY. SEE NEXT QUESTION.

22. Have you ever lost a job because of problems getting along with people? ☒ YES ☐ NO

If YES, explain.

I TURNED MY ~~SE~~ HIGH SCHOOL PRINCIPAL/TEACHER IN FOR DISCRIMINATION, GIVING FALSE DIPLOMAS<sup>CREDITS</sup> FOR HER PROMOTION, AND MAKING FALSE TRANSCRIPTS. SHE & THE SUPERINTENDENT OF THE DISTRICT PUNISHED ME INTO SICKNESS & SUBMISSIO<sup>N</sup>

23. What did you do before your illness or condition that you CANNOT do now?

MANAGED EMPLOYEES, TAUGHT SCHOOL, REPAIRED COMPUTERS ~~AT~~ IN CLASSROOM, TALKED TO STRANGERS ABOUT BUSINESS FOR LONG PERIODS, SOLD PRODUCTS TO STRANGERS AND I WAS ABLE TO WORK UNDER NORMAL WORKPLACE CONDITIONS.

24. Remarks: (Use this and any additional paper to discuss any other information about your daily activities which you feel may be important to your disability claim.)

I HAVE TO HAVE 3 AEROBIC EXERCISE SESSIONS PER DAY (45 MIN TO 1 HOUR). THIS IS FOR ANXIETY. IF I MISS A DAY OR EVEN ONE SESSION, I CANNOT CONTROL ANXIETY NAUSEA ETC. I HAVE TO SWIM OR USE BACK SUPPORTING EQUIPMENT. THIS FILLS ABOUT 5 HOURS PER DAY.

SPOCLM

PLEASE REFER TO ATTACHMENTS TO OTHER SURVEY FORMS.

NOTE: I HAVE NOW DISCOVERED I NEED LONGER WORKO<sup>U</sup>TS IN AFTERNOON (TWO HOURS OF AEROBICS) TO LOWER NEED FOR VALIUM

JOHN L HALE

25. We may need to contact other people for information about your condition. Below, please list the name, address and phone number of a friend, relative or acquaintance who is familiar with how your condition affects your activities. DO NOT LIST ANY DOCTORS.

NAME: WIFE OR DOTTIE (ADDRESS BELOW)  
RELATIONSHIP: NEIGHBOR  
ADDRESS: 2812 SO. TEKOA ST.  
SPOKANE, WA 99203  
PHONE NO. (509) 624-8284

26. Please list your last employer whom we may contact.

(1) Company Name: WELLPINIT SCHOOL DISTRICT  
Address: PO BOX 390, WELLPINIT WA. 99040  
Phone No. 258-4535  
Dates employed: 2/02-3/03 Supervisor Name: JEFF ADOLF

27. Please list any NEW medical sources you may have.

NONE BUT I WILL BE ASKING FOR SOME CHANGES AT VA,

(1) Name: \_\_\_\_\_ Dates Treated: \_\_\_\_\_

Address: \_\_\_\_\_

CHANGE: MY PSYCHIATRIC COUNSELING WILL NO BE FROM JAMES  
AT VA OUTREACH CENTER  
(2) Name: JAMES Dates Treated: NOW & IN FUTURE  
Address: 100 N. MULLEN AVE., SPOKANE, WA. 99206  
SUITE 102 Phone: 509-444-8387

I EXPECT TO HAVE A NEW PSYCHIATRIST SOON.

SPOCLM

5.

JOHN L HALE

28. If you required assistance completing this form, please give the name and phone number of the person who assisted you.

I authorize Social Security or the state agency to contact the sources as listed on this form to obtain information regarding my disability claim.

John L. Hale 6/18/04  
Claimant's signature Date

Address: 2818 SO TEKOA ST.

SPOKANE, WA. 99203

Phone: (509) 624-7548

This is: ☒ my phone number ☒ a message number

☐ Please check if this is a new address